



Issue: A RESOLUTION OF THE NIXA CITY COUNCIL GRANTING A PERMIT TO THE NIXA PUBLIC SCHOOL DISTRICT TO AUTHORIZE THE DISPLAY OF FIREWORKS.

Date: April 28, 2022

Submitted By: Garrett Tyson, Director of Planning and Development

Background

The Nixa Public School District desires to conduct public displays of fireworks at the Nixa High School site in conjunction with Nixa High School football home games during the 2022 season. Section 16-198 of the Nixa City Code provides for the issuance of permits for these types of displays on certain conditions and with the authorization of the City Council.

Analysis

Nixa Public Schools desires to conduct public displays of fireworks at Nixa High School football games held on:

September 2, 2022
September 16, 2022
September 23, 2022
October 14, 2022

These displays will be conducted by AM Pyrotechnics on behalf of the school district. According to the school district, the operator employed by AM Pyrotechnics is properly licensed and is competent to conduct such displays. The school district also requires the operator to provide proof of insurance of up to \$5 million in liability coverage in addition to worker's compensation insurance. The displays will be held on property owned by the school district.

The resolution drafted for this purpose provide authorization to hold public displays for home football games through November 30th conditioned upon the satisfaction of all applicable state and other local regulations, including requirements of the International Fire Code as administrated by the Nixa Fire Protection District.

Recommendation

Staff recommends the approval of this resolution.

RESOLUTION NO. 2022-045

A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA GRANTING A PERMIT TO NIXA PUBLIC SCHOOLS TO AUTHORIZE THE DISPLAY OF FIREWORKS FOR THE 2022 HIGH SCHOOL VARSITY FOOTBALL SEASON.

WHEREAS City Code section 16-197 generally prohibits the discharge or use of any firework within the City; and

WHEREAS City Code section 16-198 authorizes the City Council to grant permits authorizing the supervised public display of fireworks by other jurisdictions notwithstanding section 16-187 of the City Code; and

WHEREAS Nixa Public Schools (the "Applicant") has requested a permit to engage in the supervised public display of fireworks during official Nixa High School home varsity football games occurring through November 30, 2022; and

WHEREAS the City Council desires to issue a permit for such activity, as authorized by City Code section 19-198, upon the terms and conditions provided for herein.

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

SECTION 1: City Council hereby grants a permit to the Applicant, pursuant to City Code section 16-198, authorizing the supervised public display of fireworks, provided that such display fully complies with the terms and conditions of this Resolution. The permit granted herein authorizes the Applicant to discharge any firework at the Applicant's property located within the City of Nixa at 514 South Nicholas Road. Such discharge shall be conducted by an individual appropriately licensed by the state fire marshal.

SECTION 2: The permit granted herein authorizes the Applicant to discharge fireworks during official Nixa High School home varsity football games occurring through November 30, 2022.

SECTION 3: The authorization granted herein is subject to all applicable provisions of the City Code, including without limitation City Code sections 16-198, 16-199, & 16-200. Additionally, the authorization granted herein is expressly subject to any and all applicable provisions of the City's adopted Fire Code and any other applicable state or local law.

SECTION 4: The City Administrator is hereby authorized to impose any additional requirements or conditions to the Permit granted herein that, in the reasonable judgment of the City Administrator, are warranted to protect the health, safety, and welfare of the residents of the City. The authorization granted to the City Administrator in this Section includes the authority to revoke the Permit granted by the Council herein if, in the City Administrator's reasonable judgment, the discharge of fireworks by the Applicant would

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47 unreasonably harm the health, safety, and welfare of the residents of the City.
48 Additionally, the City Administrator is authorized to do all things necessary or convenient
49 to carry out the intent of this Resolution.

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51 **SECTION 5:** The Applicant shall obtain any necessary approvals of the Nixa Fire
52 Protection District prior to engaging in the activities authorized by this Resolution.

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54 **SECTION 6:** This Resolution shall be in full force and effect from and after its final
55 passage by the City Council and after its approval by the Mayor, subject to the provisions
56 of section 3.11(g) of the City Charter.

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58 **ADOPTED BY THE CITY COUNCIL THIS 25th DAY OF APRIL 2022.**

59
60 ATTEST:

61
62 _____
63 CITY CLERK

PRESIDING OFFICER

64
65 **APPROVED BY THE MAYOR.**

66
67 ATTEST:

68
69 _____
70 CITY CLERK

MAYOR

71
72 APPROVED AS TO FORM:

73
74 _____
75 CITY ATTORNEY

DATE OF APPROVAL