



Issue: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NIXA, MISSOURI AUTHORIZING A PUBLIC FIREWORKS DISPLAY SPONSORED BY THE NIXA CHAMBER OF COMMERCE AND LOCATED AT THE NIXA HIGH SCHOOL JUNE 25, 2022

Date: June 13, 2022

Submitted By: Scott Godbey, Planning and Development Department

Background

The Nixa Chamber of Commerce has applied for a special event known as the Sky-High Fireworks Celebration that involves a public fireworks display. The Nixa City Code provides for permits for the public display of fireworks when authorized by the City Council and subject to the requirements found in Sections 16-198 and 16-199.

The 2022 Sky-High Fireworks Celebration is scheduled to take place on June 25, 2022, at roughly 9:30pm at the Nixa High School Eagle Stadium located at 514 South Nicholas Road. The Nixa Chamber of Commerce has hired Encore Pyrotechnics to conduct the display.

Analysis

Section 16-198 and 16-199 of the Nixa City Code provides for the following regulations in conducting a public fireworks display.

- A permit shall be granted for supervised public displays.
- The display shall be handled by a competent operator approved by the City Council.
- The display shall be of a character and so located and conducted so as, in the opinion of the City Council after proper investigation, not to be hazardous to property or endanger any person.

The location and character are presumably acceptable given prior authorization of similar displays at the same location. As evidence of the competence of the operator, the Nixa Chamber of Commerce has cited that Encore Pyrotechnics has successfully and safely operated similar shows for Big Cedar Lodge, College of the Ozarks, and Missouri State University.

The display is planned to commence at a time near 9:30pm, when the sky becomes sufficiently dark, and the display will last for approximately 12-15 minutes.

Recommendation

Staff recommends the approval of the Sky-High Fireworks Celebration display.

RESOLUTION NO. 2022-063

A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA GRANTING A PERMIT TO THE NIXA AREA CHAMBER OF COMMERCE TO AUTHORIZE THE DISPLAY OF FIREWORKS.

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

WHEREAS Nixa City Code section 16-198 authorizes the City Council to grant permits authorizing the supervised public display of fireworks by certain organizations notwithstanding section 16-197 of the City Code; and

WHEREAS the Nixa Area Chamber of Commerce (the "Applicant") has requested a Permit to engage in the supervised public display of fireworks on June 25, 2022, at approximately 9:30 pm at the Nixa High School Eagle Stadium, generally located at 514 South Nicholas Road; and

WHEREAS the Applicant has hired Encore Pyrotechnics to conduct the display; and

WHEREAS the City Council desires to issue a Permit for such activity, as authorized by Nixa City Code section 16-198 and 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 Nixa 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 Nixa High School Eagle Stadium, being generally located at 514 South Nicholas Road. Such discharge shall be conducted by individuals appropriately licensed by the state fire marshal, and any other applicable governmental entity, to conduct the display.

SECTION 2: The Permit granted herein authorizes the Applicant, or their authorized agent, to discharge fireworks on June 25, 2022, at approximately 9:30 pm, or when conditions are sufficiently dark to proceed with the display.

SECTION 3: The authorization granted herein is subject to all applicable provisions of the Nixa City Code, including without limitation City Code sections 16-198, 16-199, & 16-200. Additionally, the authorization granted herein is expressly subject to all applicable provisions of the City's adopted Fire Code and any other applicable state or local laws. The Applicant shall obtain any necessary approvals of the Nixa Fire Protection District, or any other governmental entity, before engaging in the activities authorized by this Resolution.

RESOLUTION NO. 2022-063

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SECTION 4: The City Administrator is hereby authorized to impose any additional requirements or conditions on 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 or temporarily suspend the Permit granted herein if, in the City Administrator’s reasonable judgment, the discharge of fireworks by the Applicant would unreasonably harm the health, safety, and welfare of the residents of the City. Additionally, the City Administrator is authorized to do all things necessary or convenient to carry out the intent and terms of this Resolution.

SECTION 5: The Applicant shall obtain the written approval of the City Administrator before engaging in the display or discharge of fireworks pursuant to this Permit. The City Administrator shall provide their written approval of the requested display or discharge unless, in the City Administrator’s reasonable judgment, the requested discharge of fireworks by the Applicant would unreasonably harm the health, safety, and welfare of the residents of the City.

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

ADOPTED BY THE COUNCIL THIS 13th DAY OF JUNE, 2022.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2022.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Special Events Permit

Date: 12/28/2021

Permit #: _____

Applicant Information

Applicant Name: Nixa Chamber of Commerce Phone: 417-725-1545 Fax: _____

Mailing Address: 106 W. Sherman Way , STE 6 City: Nixa State: MO Zip: 65714

Sponsor Information

Sponsor Name: Chris Russell Phone: 417-773-7678 Fax: _____

Mailing Address: 106 W. Sherman Way , STE 6 City: Nixa State: MO Zip: 65714

Purpose and/or Description of Event

Sky High Fireworks Celebration June 25th at the Nixa High School. Nixa Chamber is requesting permission to shoot a professional fireworks show. The actual show will start around 9:30pm and last 12-15min max in the wide open field just to the east of Eagle Stadium at the Nixa High School. All insurance will be covered by the Nixa Chamber per the Nixa Schools guidelines. We have spoken to Nixa Police about traffic and security and Lt. Fleetwood is working on plan for safety. In addition, Nixa Fire Protection District is aware and approves the location. They stated its more than adequate for the size of show we are proposing based on the state guidelines. We have hired Encore Pyrotechnics who handle shows for many communities and organizations including Big Cedar Lodge, College of the Ozarks, Missouri State University and more.

Start Date & Time: Saturday June 25th 9:30ipsh End Date & Time: June 25th 10pm

Address/Location of Event: _____
(Please submit a map showing the location)

If not filled out completely and accurately it WILL delay issuance of the permit

Please answer EACH question below:

- 1. Estimated number of participants or number of those attending. Thousands
- 2. Will there be off-premise advertising? Yes No
- 3. Will there be off-premise vendors? Yes No
- 4. Will there be a live band, or sound system, lighting or loud speakers during the event? Yes No
(if yes, please provide a plan or description for the location of equipment)

Will you be serving alcoholic beverages? Yes No
(if yes, please provide a plan or description for such allowance or provision for the purpose of assessing police, fire, health and finance department responses.)

Will there be animals present for the event? Yes No
(If yes, please provide a plan or description for the use or allowance of animals)

7. Will there be provisions for disposal of sanitary waste and sewage for the event, including toilet facilities, and the disposal of garbage, trash and refuse? Yes No

8. Are you going to close the street for this event? Yes No
For events requiring 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.

9. Applicants requesting a street closure must submit a street closure request form signed by all property owners directly affected by the closure. Application and Petition must be submitted at least 30 days prior to the event to allow for City Council approval.

10 The cost of any City services or equipment that is used for the event will be incurred by the applicant. Amount to be determined by all Departments involved.

I hereby certify that the answers and other information on this application are true and correct and I have read and understand the above procedures and requirements as they pertain to City Special Events Regulations and by signing this form, acknowledge compliance with these rules.

Signature of Applicant: Chris Russell *Chris Russell* Date: Dec. 28, 2021

Printed Name: Chris Russell

Office Use Only:

Fee: No Fee (this does not include any City services that are used)

Approved Denied City Planner Signature: _____

Planner Notes: _____

Police Chief Signature: _____ Date: _____

Police Dept. Notes: _____

Public Works Signature: *[Signature]* Date: 05.27.2022

Public Works Notes: No requested services for Nixa Utilities and Public Works

PARKS: *[Signature]* 5/31/2022 - No Park Dept. involvement