

RE: Amending Section 16-200 of the Nixa City Code to Authorize the Discharge of Fireworks within the City Limits on July 3rd and July 4th.

Background:

During the May 8th Council meeting, staff was directed to look into providing an amendment to Nixa's current Code of Ordinances that would allow fireworks to be discharged on July 3rd and July 4th each year. Last year, Nixa's ordinance stated that unless a burn ban is in effect, the discharge of fireworks by the general public was permitted inside city limits on July 3rd, and July 4th, 2022, between the hours of 2:00 p.m. and 11:00 p.m. That ordinance only addressed the prescribed days in 2022, which allowed Council more time to decide on a permanent timeframe.

Analysis:

In order to allow fireworks to be discharged each year on July 3rd and July 4th, the Council would need to adopt an amendment to the Nixa City Code 16-200. Staff has prepared an ordinance for the Council's consideration that would allow for fireworks to be discharged on July 3rd and July 4th, each year, between the hours of 2:00 p.m. and 11:00 p.m. The ordinance presented this evening still contains the statement prohibiting the discharge of fireworks during a burn ban.

Recommendation:

Staff recommends approval of the ordinance presented.

MEMO SUBMITTED BY:

Cindy Robbins | Assistant City Administrator

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1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING SECTION 16-
2 200 OF THE NIXA CITY CODE TO AUTHORIZE THE DISCHARGE OF FIREWORKS
3 WITHIN THE CITY LIMITS ON JULY 3rd.
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5
6 WHEREAS current City Code authorizes the public to display fireworks within the
7 City limits on certain days; and
8

9 WHEREAS the Council desires to allow for the discharge of fireworks on July 3rd
10 & July 4th; and
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12 WHEREAS the City Council, after considering the provisions herein, desires to
13 approve and adopt this Council Bill.
14

15 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
16 NIXA, AS FOLLOWS, THAT:
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18 SECTION 1: Chapter 16, Article IV, Division 4, Section 16-200 of the Nixa City
19 Code is hereby amended by repealing said section in its entirety and adopting in lieu
20 thereof a new Section 16-200, which said Section shall read as follows:
21

22 (Note: Language to be added is indicated by being underlined. Language to be removed
23 is indicated by being ~~stricken~~.)
24

25 Section 16-200. – Public discharge of fireworks; when permitted.
26

27 (a) Unless a burn ban is in effect, the discharge of fireworks by the general public is
28 permitted inside the city limits for the following dates:
29

30 (1) July 3 and July 4 between the hours of 2:00 p.m. and 11:00 p.m. ~~Notwithstanding~~
31 ~~this subsection (1), the discharge of fireworks between the hours of 2:00 p.m. and~~
32 ~~11:00 p.m. by the general public is permitted inside the city limits for July 3, 2022,~~
33 ~~and July 4, 2022.~~
34

35 (2) December 31 from 2:00 p.m. through January 1 to 12:30 a.m.
36

37 (b) However, the discharge of fireworks must be done safely, and any complaint that
38 details hazardous activities, malicious conduct or any act in conflict with city
39 ordinances, state or federal laws may result in the seizure of fireworks and/or
40 prosecution in accordance with applicable law. Additionally, anyone under the age of
41 17 must be supervised by a parent or adult when handling, discharging, or assisting
42 in the discharge of fireworks. The city fire department will be authorized to assist in
43 regulating and confiscating fireworks.
44

45 SECTION 2: The City Attorney, when codifying this Ordinance, is authorized to
46 provide for different section numbers, subsection numbers, and different internal citation

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

49
50 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to
51 affect any suit or proceeding now pending in any court or any rights acquired, or liability
52 incurred nor any cause or causes of action occurred or existing, under any act or
53 ordinance repealed or modified hereby.

54
55 **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or
56 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
57 the validity of the remaining portions of this Ordinance. The Council hereby declares that
58 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
59 phrase thereof, irrespective of the fact that any one or more sections, subsections,
60 sentences, clause, or phrases be declared invalid.

61
62 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final
63 passage by the City Council and after its approval by the Mayor, subject to the provisions
64 of section 3.11(g) of the City Charter.

65
66
67 **ADOPTED BY THE COUNCIL THIS 12th DAY OF June, 2023.**

68
69 ATTEST:
70
71 _____
72 PRESIDING OFFICER CITY CLERK

73
74
75 **APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2023.**

76
77 ATTEST:
78
79 _____
80 MAYOR CITY CLERK

81
82 APPROVED AS TO FORM:
83
84 _____
85 CITY ATTORNEY