

## **A RESOLUTION OF THE NIXA CITY COUNCIL GRANTING A PERMIT TO THE NIXA PUBLIC SCHOOL DISTRICT FOR THE DISPLAY OF FIREWORKS**

### **Background:**

The Nixa Public School District is requesting to conduct public displays of fireworks at Nixa High School in conjunction with Nixa High School football home games during the 2023 season. Section 16-198 of the Nixa City Code provides for the issuance of permits for these types of display on certain conditions and with the authorization of the City Council.

### **Analysis:**

Nixa Public Schools plans to conduct public displays of fireworks at the following Nixa High School football games at Eagle Stadium:

August 25, 2023  
September 8, 2023  
September 29, 2023  
October 5, 2023  
October 20, 2023

The displays will be conducted by AM Pyrotechnics on behalf of the school district. AM Pyrotechnics is properly licensed and is competent to conduct such displays. The school district requires the operator to provide proof of insurance of up to \$3 million in liability coverage in addition to worker's compensation insurance. The displays will occur after every Nixa Eagle touchdown and after the above listed games.

Nixa Public School District will have to comply with all applicable state and other local regulation, including requirements of the International Fire Code as administrated by the Nixa Fire Protection District.

### **Recommendation:**

Nixa Public School District has provided proof of AM Pyrotechnics liability insurance. Staff recommends approval.

MEMO SUBMITTED BY:

**Scott Godbey** | Director of Planning and Development  
sgodbey@nixa.com | 417-725-5850

**RESOLUTION NO. 2023-24**

**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 2023 HIGH SCHOOL 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 certain official Nixa High School home football games during the 2023 season; 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 football games occurring on:

- August 25, 2023;
- September 8, 2023;
- September 29, 2023;
- October 5, 2023; and
- October 20, 2023.

**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.

**RESOLUTION NO. 2023-24**

46           **SECTION 4:** The City Administrator is hereby authorized to impose any additional  
47 requirements or conditions to the Permit granted herein that, in the reasonable judgment  
48 of the City Administrator, are warranted to protect the health, safety, and welfare of the  
49 residents of the City. The authorization granted to the City Administrator in this Section  
50 includes the authority to revoke the Permit granted by the Council herein if, in the City  
51 Administrator’s reasonable judgment, the discharge of fireworks by the Applicant would  
52 unreasonably harm the health, safety, and welfare of the residents of the City.  
53 Additionally, the City Administrator is authorized to do all things necessary or convenient  
54 to carry out the intent of this Resolution.

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

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

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64 **ADOPTED BY THE COUNCIL THIS 8th DAY OF May, 2023.**

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ATTEST:

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69 PRESIDING OFFICER

\_\_\_\_\_ CITY CLERK

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72 **APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

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ATTEST:

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78 MAYOR

\_\_\_\_\_ CITY CLERK

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81 APPROVED AS TO FORM:

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CITY ATTORNEY