

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 2024 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 30, 2024
September 13, 2024
October 3, 2024
October 18, 2024

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. 2024-34

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 2024 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 2024 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 30, 2024;
- September 13, 2024;
- October 3, 2024; and
- October 18, 2024.

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

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

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

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

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63 **ADOPTED BY THE COUNCIL THIS 28th DAY OF May, 2024.**

64
65 ATTEST:
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68 _____ CITY CLERK
69 PRESIDING OFFICER

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71 **APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2024.**

72
73 ATTEST:
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76 _____ CITY CLERK
77 MAYOR

78
79 APPROVED AS TO FORM:
80
81 _____
82 CITY ATTORNEY