

Supplemental Memorandum Regarding Amended Council Bill No. 2025-18.

Background:

At the City Council's May 27, 2025, regular meeting, Council Bill No. 2025-18 (the "Bill") was presented by staff and had its first reading by the Council. The Bill, if approved would modify the City Code to allow for the public display of fireworks on July 3 through July 5 and the Bill would authorize the sale of fireworks within the City limits from July 3 through July 5.

Mayor Pro Tempore Peterson has requested that staff prepare an amendment to the Bill to remove July 3rd as a date to legally discharge fireworks.

In the interim period between the Bill's first and second reading, staff have prepared Amended Council Bill No. 2025-18 (the "Amended Bill"). The Amended Bill reflects the Mayor Pro Tempore's requested amendment.

Analysis:

The Amended Bill modifies City Code Section 16-200 to remove July 3rd as an authorized date for the public discharge of fireworks. If the Amended Bill is approved, July 4th and July 5th will be the only authorized dates to discharge fireworks in the City in the month of July.

Recommendation:

Staff have prepared a motion to amend Council Bill No. 2025-18.

To effectuate this proposed amendment, any member of Council may move for the adoption of Amendment No. 1. If the Amendment is approved by the Council, then the Council may proceed with the approval of the Amended Bill.

Should any member of Council desire to adopt Amendment No. 2, the following motion can be made: **"I move to adopt Amendment No. 1 to Council Bill 2025-18."** This motion would need to be seconded and then approved by a majority vote of those members of City Council present at the meeting.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

Attachments:

Amendment No. 1 (Motion to amend); and
Amended Council Bill No. 2025-18.

AMENDMENT NO. 1 TO COUNCIL BILL NO. 2025-18

A MOTION:

To amend Council Bill No. 2025-18 by striking out the following language appearing at or on line 128 of said Bill:

“July 3”

and inserting in lieu thereof the following language:

“July 4 –”

so that Section 16-200 shall read as follows after said amendment:

Sec. 16-200. Public discharge of fireworks; when permitted.

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

(1) July 4 – July 5 between the hours of 2:00 p.m. and 11:00 p.m.

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

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

Said Motion was provided to the City Council for review prior to the June 10, 2025, Council meeting and was published as part of the agenda for the June 10, 2025, City Council meeting. Further, said Motion was adopted by the required majority of City Council on the 10th day of June 2025 and said Council Bill was therefore amended and modified as set forth herein.

PRESIDING OFFICER

ATTEST:

CITY CLERK

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 16, ARTICLE IV, DIVISION 4, SECTIONS 16-197 AND 16-200 OF THE NIXA CITY CODE FOR THE PURPOSE OF EXPANDING THE AUTHORIZED PERIOD TO SELL AND DISCHARGE FIREWORKS.

WHEREAS the City regulates when fireworks may be sold and discharged; and

WHEREAS there is a desire to expand the period in which fireworks may be discharged and sold around the Independence Day holiday; and

WHEREAS the City Council desires to modify the City Code as set forth herein.

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

SECTION 1: Chapter 16, Article IV, Division 4, Section 16-197 of the Nixa City Code is hereby amended by repealing said Section in its entirety and adopting in lieu thereof a new Section 16-197, which shall read as follows (Explanation: Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

Sec. 16-197. Fireworks regulations.

(a) It shall be unlawful for any person within the city to discharge or cause to be discharged, ignited, fired or otherwise set in action within the city limits any fireworks, firecrackers, bottle rockets, sparklers, torpedoes, roman candles, fire balloons, squibs, snakes, spit-devils or other fireworks or substances of any combination whatsoever designed or intended for pyrotechnical use, as defined by pertinent state statutes, as considered class "C" or "B" explosives by the regulation of the United States Department of Transportation (USDOT), except as provided in section 16-198. The manufacture of class "C" or "B" explosives as defined by the USDOT within the city limits is prohibited.

(b) Fireworks may be sold within the city in accordance with the following regulations:

(1) Temporary fireworks stands may be located in any commercial or manufacturing districts as long as the applicant meets the required conditions for a building permit.

(2) A temporary fireworks stand may be located within any other zoning district with a conditional use permit approved by the planning and zoning commission and city council.

(c) Required conditions to receive a building permit from the city development department include:

- (1) Proof of fireworks tax having been paid to state department of revenue.
- (2) The stand must be located in an area zoned for commercial or manufacturing use, or must have a conditional use permit.
- (3) A site plan must accompany all applications and must include;
 - a. A legal description of the property where the proposed stand is to be located.
 - b. The dimensions of the lot.
 - c. The location of existing buildings and distances from property lines.
 - d. The location of the proposed fireworks stand and the setbacks from the property lines.
 - e. The location of both the off-street parking area provided (one space for every 200 sq. ft. of stand area) and the city or state highway department approved access drive.
 - f. The zoning of the parcel where the stand is to be located.
- (4) All applications must be submitted to the city development department five working days prior to issuance of any building permits. Conditional use permit applications must be submitted no later than April 18 for the May Planning and Zoning Commission Hearing.
- (5) Setback requirements.
 - a. Fireworks stands are required to have a 50-foot front setback; a 25-foot side setback unless adjoining a commercial or less restrictive district, then zero; a 25-foot rear setback unless adjoining a commercial or less restrictive district, then ten feet.
 - b. The stand must be a minimum of 30 feet from any other building on the same or adjoining lot.
 - c. Fireworks stands must be at least ten feet from any overhead electric line.
 - d. All tents and fireworks stands must be a minimum of 100 feet from any use involving sale or storage of gasoline, LP gas or any combustible product.
- (6) Fireworks stand requirements.
 - a. Fireworks in open stock may be kept in showcases or counters out of the reach of the public without an attendant being on duty. Signs reading "FIREWORKS

FOR SALE-NO SMOKING ALLOWED" shall be displayed in the section of the store set aside for the sale of fireworks.

- b. All the area within and adjacent to tents or stands shall be maintained clear of grass, shavings or any combustible materials.
- c. Minimum aisle width of 36 inches, kept free and unobstructed at all times.
- d. Minimum exit way of 44 inches; a minimum of three exits are required.
- e. Portable fire extinguishing equipment must be kept on premises at all times.
- f. Electrical cords from the meter to the tent must be 12-2 with ground exterior wire.
- g. All circuits entering the stand shall be protected by a GFI breaker.
- h. Inspection will be required by the development department and the city fire protection district prior to any fireworks stand opening for business. Notification for inspection should be made by calling 725-5850 for development and 725-4025 for fire during regular business hours.
- i. Hours of operation shall be June 20—July 2, 8:00 a.m. to 11:00 p.m., and July 3—5 ~~and 4~~, 6:00 a.m. to 12:00 midnight.

SECTION 2: Chapter 16, Article IV, Division 4, Section 16-200 of the Nixa City Code is hereby amended by repealing said Section in its entirety and adopting in lieu thereof a new Section 16-200, which shall read as follows (Explanation: Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

Sec. 16-200. Public discharge of fireworks; when permitted.

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

(1) ~~[July 3]~~ **July 4** -- ~~[and]~~ **July 5** **[4]** between the hours of 2:00 p.m. and 11:00 p.m.

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

- (b) However, the discharge of fireworks must be done safely, and any complaint that details hazardous activities, malicious conduct or any act in conflict with city ordinances, state or federal laws may result in the seizure of fireworks and/or prosecution in accordance with applicable law. Additionally, anyone under the age of 17 must be supervised by a parent or adult when handling, discharging, or assisting

in the discharge of fireworks. The city fire department will be authorized to assist in regulating and confiscating fireworks.

SECTION 3: The City Attorney, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different internal citation references than those provided herein when such section numbers, subsection numbers, or internal citation references are in error or are contrary to the intent of this Ordinance.

SECTION 4: Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

SECTION 5: Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6: This Ordinance 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 10th DAY OF June 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY