

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

Background:

The Nixa Area Chamber of Commerce is requesting to conduct a public display of fireworks at Nixa High School. The event is the Sky-High Fireworks Celebration 2024. 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 Area Chamber of Commerce plans to conduct the event Saturday June 29 at Eagle Stadium. The fireworks display will be conducted by Encore Pyrotechnics. They are properly licensed and are competent to conduct such displays. The Chamber has provided proof of insurance of up to \$3 million in liability coverage.

Nixa Area Chamber of Commerce will have to comply with all applicable state and other local regulations, including requirements of the International Fire Code as administered by the Nixa Fire Protection District.

Recommendation:

Nixa Area Chamber of Commerce has used Encore Pyrotechnics for this event in the past. Staff recommends approval.

Memo Submitted By:

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RESOLUTION NO. 2024-39

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 FOR THE 2024 SKY-HIGH FIREWORKS CELEBRATION.

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 the Nixa Area Chamber of Commerce (the “Applicant”) has requested a permit to engage in the supervised public display of fireworks on Saturday, June 29, 2024, at 514 South Nicholas Road; 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 on June 29, 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 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 the Permit granted by the Council 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.

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47 Additionally, the City Administrator is authorized to do all things necessary or convenient
48 to carry out the intent of this Resolution.

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

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

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58 **ADOPTED BY THE COUNCIL THIS 24th DAY OF June, 2024.**

59
60 ATTEST:

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62 _____
63 PRESIDING OFFICER CITY CLERK

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

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68 ATTEST:

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70 _____
71 MAYOR CITY CLERK

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74 APPROVED AS TO FORM:

75
76 _____
77 CITY ATTORNEY