

AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE II (“PUBLIC HEALTH, SAFETY AND WELFARE”), CHAPTER 205 (“FIRE PREVENTION AND PROTECTION”), ARTICLE 205-III (“FIREWORKS”), SECTION 205.070 (“FIREWORKS”), OF THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City routinely reviews its Municipal Code (“the Code”) to ensure conformity with governing state and federal law, enhance clarity, and eliminate ambiguity, as well as to the further promote the City’s mission, vision and values in the best interests of the City and its citizenship body as a whole; and

WHEREAS, City staff have identified the need to amend the existing provisions in the Code pertaining to firework aerial displays so as to align with the current needs of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: Title II (“Public Health, Safety and Welfare”), Chapter 205 (“Fire Prevention and Protection”), Article 205-III (“Fireworks”), Section 205.070 (“Fireworks”), of the Municipal Code of the City of Republic, Missouri, is hereby amended to read as follows:

205.070 Fireworks

- A. Aerial fireworks displays ~~are allowable by civic, and social,~~ **and private** organizations including businesses **are permitted to occur** during the period of June thirtieth (30th) to July fourth (4th), inclusive, between 8:00 P.M. to 12:00 Midnight, and on such other dates as may be specifically approved and permitted ~~by order of~~ **by** the City ~~Council~~.
- B. Civic, ~~and~~ social, **and private** organizations **including businesses** desiring to hold aerial fireworks displays during the period of June thirtieth (30th) to July fourth (4th), inclusive, shall first contact the City’s Fire Department to request a permit. Upon approval, the City ~~Fire Department~~ shall issue the permit to said organization. ~~In case of a rainout,~~ **In the event an organization that has submitted a request for a permit under this Section or that has been issued a permit under this Section elects to reschedule its aerial fireworks display as the result of a rain or other inclement weather event,** said organization must inform the City ~~Fire Department~~ of the makeup date.
- C. Civil, ~~and~~ social, **and private** organizations **including business** desiring to hold aerial fireworks displays on dates other than June thirtieth (30th) to July fourth (4th), inclusive, shall make application to the City ~~Council~~ at least ~~fourteen (14)~~ **twenty-one (21) calendar** days prior to the date any such display is desired to be scheduled. Such application

shall set forth the date and times during which such display is desired to be scheduled, the specific reasons as to why the display is to be held, and such other information as the ~~Council~~ **City may will** require, including the names and addresses of all persons responsible for conducting such display. ~~If the City Council, in its discretion, is of the opinion such display would constitute a legitimate community event, it may issue a special permit authorizing the requested display. If any such display is authorized by special permit, nothing herein shall be construed as requiring the City Council to authorize a special permit to the same organization for displays desired to be scheduled in successive years. If a request for a special use permit is made less than fourteen (14) days before the event, the applicant shall be required to post a cash bond in an amount sufficient to cover any cost incurred by the City as a result of the shortened time period. Such cost shall include, but is not limited to, overtime cost, cost of cleanup, police and fire services, etc., and those costs shall be deducted from the cash bond and the balance, if any, returned to the applicant.~~ **All applicable city departments must approve the aerial display permit before it will be issued.**

- D.** ~~C.~~ Organizations holding a fireworks display must provide adequate off-street parking for the occasion and provide reasonable care to protect against health and fire hazard during the occasion.
- E.** ~~D.~~ Fireworks used by individuals within the City of Republic will be permissible only on July fourth (4th) and only between the hours of 10:00 A.M. through 12:00 Midnight.
- F.** ~~E.~~ If the user of the fireworks has a complaint submitted against his/her use of such fireworks, then the user shall be so notified by the Republic Police Department to cease and desist his/her use of said fireworks. If the user continues to use the fireworks after said notice from the Republic Police Department, then he/she shall be in violation of this Code and be cited for a nuisance and shall be brought before the Municipal Court with a penalty available as outlined in Section 100.220.

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for Chapter title(s)) is added language. Matter shown above in ~~strikethrough font~~ is deleted language.

- Section 2:** All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance, shall remain unmodified and in full force and effect.
- Section 3:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.
- Section 4:** The WHEREAS clauses above are specifically incorporated herein by reference.

Section 5: The provisions of this Ordinance are severable, and if any provisions hereof are declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 6: This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this ____ day of May, 2024.

Attest:

Eric Franklin, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: