



ST. CHARLES PARISH

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

March 15, 2010

Mr. Oliver Dufrene, President
St. Charles Parish Firemen's Association
Fire Protection District #1
P.O. Box 733
Hahnville, LA 70057

Re: Fireworks Proposed Ordinance

Dear Mr. Dufrene:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

PJH/BJT277:ag

attachment

Office
St. Charles Parish
P.O. Box 302
Hahnville, LA 70057
(985) 783-5000
Fax: (985) 783-2067
<http://www.st-charles.la.us>

Residence
101 Cadow Street
P.O. Box 250
Des Allemands, LA 70030
Phone: (985) 306-0085
Fax: (985) 306-0285
Cell: (504) 915-4116
Email: poghan@st-charles.la.us



ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

March 15, 2010

Mr. Dean Bergeron, President
Luling Volunteer Fire Department
Fire Protection District #2
67 St. Anthony Street
Luling, LA 70070

Re: Fireworks Proposed Ordinance

Dear Mr. Bergeron:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

PAUL J. HOGAN, PE
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ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

March 15, 2010

Mr. Dennis Robbins, President
Hahnville Volunteer Fire Department
Fire Protection District #3
P.O. Box 213
Hahnville, LA 70057

Re: Fireworks Proposed Ordinance

Dear Mr. Robbins:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

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ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

March 15, 2010

Mr. Steve Mauduit, President
Norco Volunteer Fire Department
Montz Area (Norco Volunteer) Fire Dept.
Fire Districts # 4 and 11
P.O. Box 321
Norco, LA 70079

Re: Fireworks Proposed Ordinance

Dear Mr. Mauduit:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

PAUL J. HOGAN, PE
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ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

March 15, 2010

Mr. Melvin Melancon, President
St. Rose Volunteer Fire Department
Fire Protection District #5
P.O. Box 399
St. Rose, LA 70087

Re: Fireworks Proposed Ordinance

Dear Mr. Melancon:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

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ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

March 15, 2010

Mr. Garry Boudreaux, President
Paradis Volunteer Fire Department
Fire Protection District #6
P.O. Box 1489
Paradis, LA 70080

Re: Fireworks Proposed Ordinance

Dear Mr. Boudreaux:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

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ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

March 15, 2010

Ms. Julie Trosclair, President
Des Allemands Volunteer Fire Department
Fire Protection District #7
P.O. Box 817
Des Allemands, LA 70030

Re: Fireworks Proposed Ordinance

Dear Ms. Trosclair:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

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ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

March 15, 2010

Mr. David Cochrane, President
East Side St. Charles Volunteer Fire Department
Fire Protection District #8
P.O. Box 668
Destrehan, LA 70047

Re: Fireworks Proposed Ordinance

Dear Mr. Cochrane:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

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ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

March 15, 2010

Mr. Thor Dufrene, President
Bayou Gauche Volunteer Fire Department
Fire Protection District #9
103 Luke Drive
Des Allemands, LA 70030

Re: Fireworks Proposed Ordinance

Dear Mr. Dufrene:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

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ST. CHARLES PARISH

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

March 15, 2010

Ms. Trina Douglas, President
Killona Volunteer Fire Department
Fire Protection District #10
P.O. Box 443
Hahnville, LA 70057

Re: Fireworks Proposed Ordinance

Dear Ms. Douglas:

Attached you will find a proposed ordinance that the Council is considering which would allow the limited and restricted use of fireworks within St. Charles Parish.

Your input on this proposed ordinance would be greatly appreciated.

Sincerely,

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INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV

ORDINANCE NO. _____

An ordinance to legalize the sale and discharging of fireworks within the Parish of St. Charles.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinance, Chapter 14 Miscellaneous Provisions and Offenses, Sec. 14-3. Fireworks is hereby amended in its entirety and replace with the following:

SECTION II. That St. Charles Parish Council does hereby approve and authorize the legalization, sale, and discharging of Fireworks within the Parish of St. Charles.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Retailer* means any person engaged in the business of making sales of fireworks at retail to persons other than a distributor or a jobber.

(2) *Sale* means the sale, barter, exchanges or gift or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(b) It shall be unlawful for any person to possess, sell or offer for sale or use within the Parish any pyrotechnics (commonly known as fireworks) other than the permissible fireworks hereinafter enumerated. The permissible fireworks consist of ICC class "C" Common Fireworks," and shall mean such articles of fireworks as are enumerated or may hereinafter be enumerated as ICC class "C" fireworks in the regulations of the interstate commerce commission for the transportation of explosives and other dangerous articles and shall include but not limited to the following:

(1) *Roman candles.* Total pyrotechnic composition not to exceed 20 grams each in weight (10 ball).

(2) *Skyrockets with sticks.* Total pyrotechnic composition not to exceed 20 grams in weight (6 oz). The rocket sticks must be securely fastened to the casing. However, penny rockets (bottle rockets) are specifically not allowed consistent with Louisiana Law.

(3) *Helicopter type rockets.* Total pyrotechnic composition not to exceed 20 grams each in weight.

(4) *Cylindrical fountains.* Total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube diameter shall not exceed three-fourths inch.

(5) *Cone fountains.* Total pyrotechnic composition not to exceed 50 grams each in weight.

(6) *Wheels.* Total pyrotechnic composition not to exceed 60 grams in weight for each driver unit, but there may be any number of drivers on any one unit. The inside bore of driver tubes shall not be over one-half inch.

(7) *Illuminating torches and colored fire in any form.* Total pyrotechnic composition not to exceed 100 grams each in weight.

(8) *Sparklers and dipped stocks.* Total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate or per chlorate shall not exceed 5 grams.

- (9) *Mines and shells*, of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight.
 - (10) *Firecrackers and salutes*, with castings, the external dimensions of which do not exceed 1 ½ inches in length or one-quarter inch in diameter and other items designed to produce an audible effect, total pyrotechnic composition not to exceed two grains each in weight.
 - (11) *Combination of two or more*. Items composed of a combination of two or more articles or devices of the above-enumerated approved items.
 - (12) *Whistles*. Domestic or imported whistles with report. No component of any device listed in this subsection, which is designed to produce an audible effect shall contain pyrotechnic composition in excess of two grains in weight, excluding propelling or expelling charges.
- (c) Permissible items of fireworks enumerated in subsection (b) of this section may be sold at retail and ignited or exploded from June 25 through July 5 and December 15 through January 1 of each year and then only as follows:

TABLE INSET:

June 25 – July 2	9:00 a.m. to 11:00 p.m.
July 3 – July 4	9:00 a.m. to 12:00 midnight
July 5	9:00 a.m. to 11:00 p.m.
Dec. 15 – Dec. 28	9:00 a.m. to 11:00 p.m.
Dec. 29 – Dec. 30	9:00 a.m. to 12:00 midnight
December 31	9:00 a.m. to 2:00 a.m.
January 1	9:00 a.m. to 11:00 p.m.

- (d) It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of sixteen years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within 1,000 feet of any church, gas station, hospital, asylum, public school or with 150 feet of where fireworks are stored, sold or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article or fireworks into or at such a motor vehicle.
- (e) It shall be unlawful to sell any items of fireworks as a retailer without first obtaining a license therefor to be issued by the Parish as follows:
 - (1) An applicant to engage in the sale of fireworks as a retailer must complete an application on a form provided by the Parish, setting forth such facts and information as the parish may determine necessary and proper, such application shall include as affidavit by the applicant that no counter letter or similar business transaction has been made with a second party and further stating that the business will be operated by the applicant or a qualified individual under the supervision of the applicant. Any fraudulent application will make the license null and void and may result in revocation of the applicant's occupational business license within the parish.

- (2) All applications shall be accompanied by a copy of the previous year's sales tax return and certified copies of any lease agreement extract involving the property where the sales shall take place, any partnership agreement or incorporation charter for the business entity making the application. The applicant must pay all taxes and fees due to the parish.
 - (3) The applicant shall pay a license fee of \$1500.00 for a license to engage in the sale of fireworks as a retailer. The license shall be valid for one building not to exceed 32 linear feet of sales space per license. No building can be moved from one location to another after the license is issued. The building in which the sale of fireworks is to take place cannot be within 50 ft. proximity to another building, and shall be of commercial zoning. The operator of the retail outlet shall provide adequate trash containers or storage of disposable waste and shall be responsible for the cleanliness of the area around the retail outlet. Licenses are not transferable. Proceeds of all fireworks revenue is to be earmarked for the Fire Department.
 - (4) Not more than one license per person or business entity shall be issued.
 - (5) No person convicted of a felony violation of any of the following laws: soliciting for prostitution, pandering, letting the premises for prostitution, contributing to the delinquency of a juvenile, keeping a disorderly place or illegal dealings in narcotics, in this state or any state in the United States, may hold a valid permit provided herein nor shall such person engage in the possession, sale or offering for sale of fireworks within the parish limits. No person under the age of 18 may engage in the sale or offering for sale of fireworks under the permit provided herein.
- (f) Nothing in this section shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical or athletic events.
- (g)
- (1) Applicants for the retail sale of fireworks shall be permitted to install portable buildings two weeks before the opening dates for the sale of fireworks and shall be permitted two weeks to remove the building after the closing dates of the sale of the fireworks. All trash and signs relating to the sale of fireworks shall be removed within five days after the last day of the sale of fireworks.
 - (2) Fireworks retailers doing business within the Parish must store all portable buildings, signs and other materials related to the sale of fireworks behind sight-obscuring fences located in C-2 general commercial or M-1 and M-2 industrial districts within five days after the last day on which the sale of fireworks is permitted under this section. Failure to comply with the provisions of this section shall result in a citation. A finding of guilt for violation of this section shall result in a revocation of the retailer's permit to sell fireworks in the parish.

- (h) An informational sales tax return for each license issued respecting the sale of fireworks shall be furnished to the parish within two weeks after the closing date for the sale of fireworks of each period.
- (i) Any person who sells or offers for sale any fireworks not permitted by this section shall, in addition to all other penalties provided for herein, forfeit his right to a permit for the sale of fireworks for all future years.
- (j) The following regulations are relative to the regulation of fireworks sales and related matters.
 - (1) All fireworks licensees must provide a certificate of insurance in the amount of \$1,000,000.00 naming the parish as an additional insured. Said certificate shall be provided to the city prior to receiving a fireworks license.
 - (2) Each fireworks license shall cost \$1,500.00 per year without regard to the linear feet of retail counter space.
 - (3) All retail sales must take place behind a counter. Additionally, for safety reasons all inventory displayed for sale shall be stored or displayed behind a counter and out of reach of the customers.
 - (4) The number of fireworks licenses will continue to be fixed at the number available for issuance at the time of adoption of this subsection.
 - (5) No storage of any excess or unsold inventory will be allowed within the parish of St. Charles at the expiration of the fireworks seasons. Any violation of the above shall be grounds for immediate revocation of the fireworks license.
 - (6) A fireman must be hired to perform detail work at all fireworks stands for the price of twenty-five (\$25.00) per hour for each hour worked.
- (k) Violations. Any person that does not act in conformity with the above rules and regulations established in any section is hereby in violation of this fireworks ordinance and is subject to the penalties contained herein.
 - (1) Penalty. The St. Charles Parish Fire Chief, has full authority by the governing body of the Parish , to fine whomever is using fireworks prohibited by this ordinance, with said fine to be imposed upon the owner of the property where said violation occurs. The fine shall be five hundred dollars (\$500.00) payable to the St. Charles Parish Fire Department when non compliance of this ordinance takes place by issuing a citation via form of affidavit, from the Fire Chief, and forwarded to Administration. Administration will process said fine and afford the opportunity for appeal prior to collection of said fine.
- (l) Require license to be displayed in a conspicuous place at the retail location.

SECTION III. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event that this ordinance is not signed or vetoed by the President within ten (10) calendar days after receipt, it shall be considered approved. In the event of a presidential veto this ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Section C-3 of the St. Charles Parish Home Rule Charter

SECTION IV. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of

competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portions of this ordinance, the St. Charles Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this ____ day of _____, 2010 to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____