



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpq.net

#9

Fred Everhardt, Jr.
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
at Large*

Patrice Cusimano
*Councilmember
District A*

Joshua "Josh" Moran
*Councilmember
District B*

Cindi Meyer
*Councilmember
District C*

Ryan Randall
*Councilmember
District D*

Amanda Mones
*Councilmember
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 15, 2024 AT THREE O'CLOCK P.M.

On motion of Ms. Meyer, seconded by Mr. Moran, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2610-10-24

Summary No. 4212

Introduced by: Administration on 9/3/24

Public Hearing held on 9/17/24

Tabled on 9/17/24 until 10/15/24

AN ORDINANCE TO **AMEND** CHAPTER 10, FIRE PROTECTION AND PREVENTION; ARTICLE I, IN GENERAL; SECTION 10-2, FIREWORKS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amend Chapter 10, Fire Protection and Prevention; Article I, In General; Section 10-2, Fireworks of the St. Bernard Parish Code of Ordinances as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. 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 Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. 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 portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



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Page -2-
Extract #9, continued
October 15, 2024

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

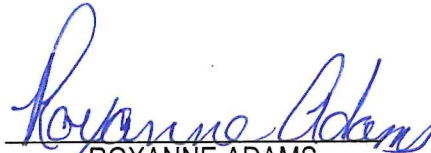
YEAS: Cusimano, Moran, Meyer, Randall, Mones

NAYS: None

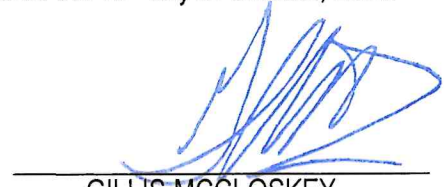
ABSENT: Everhardt

The Council Vice-Chair, Mr. McCloskey, cast his vote as **YEA**.

And the motion was declared **adopted** on the 15th day of October, 2024.



ROXANNE ADAMS
CLERK OF COUNCIL



GILLIS MCCLOSKEY
COUNCIL VICE-CHAIR

Delivered to the Parish President 10/16/24 11:30am
Date and Time

Received by Margen Kelley

Approved ✓

Vetoed _____

Parish President



Louis Pomes

Returned to Clerk of the Council

10/17/24 1:10pm
Date and Time

Received by

Louisa Lacey

EXHIBIT "A"
SUMMARY NO. 4212
ORDINANCE SBPC #2610-10-24

Chapter 10 – Fire Protection and Prevention

Article I – In General

Section 10-2 – Fireworks

Section 10-2 – Fireworks

- (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 26 through January 1 of each year (R.S. 51:652) and then only as follows:
- June 25 – July 4: 9:00 a.m. to 11:00 p.m.
- July 5: 9:00 a.m. to 10:00 p.m.
- December 26 – December 30: 9:00 a.m. to 11:00 p.m.
- December 31: 9:00 a.m. to 2:00 a.m.
- January 1: 9:00 a.m. to 10:00 p.m.
- (d) It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of fifteen (15) years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within one thousand (1,000) feet of any church, gas station, hospital, asylum, public school or within one hundred fifty (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 of fireworks into or at such a motor vehicle. Fireworks shall not be sold within two hundred (200) feet, of any filling station (gasoline, diesel, propane, etc.).
- (e) It shall be unlawful to sell any items of fireworks as a retailer without first obtaining a license therefore 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 the business will be operated by the applicant or a qualified individual or partner of the applicant under the responsibility 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 if applicable except for the first year of the enactment of this ordinance 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 one thousand five hundred dollars (\$1,500.00) for a license to engage in the sale of fireworks as a retailer. The license shall be valid for one (1) tent per license per location. No tent can be moved from one (1) location to another after the license is issued. The tent in which the sale of fireworks is to take place cannot be within fifty (50) feet proximity to another building, stand is to be at least twenty-five (25) feet from public street or highway and shall be of commercial zoning. The operator of the retail outlet shall provide adequate trash containers or storage of disposable waste and shall

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ORDINANCE SBPC #2610-10-24

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) No more than two (2) permits per person or business entity shall be issued;
 - (5) No person convicted of a felony 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 seventeen (17) may engage in the sale or offering for sale of fireworks under a permit provided herein.
 - (6) Fireworks retail stands/tents shall pass an inspection by the fire department using the retail inspection check list, which shall be given to all licensed retailers.
 - (7) No property with current code violations or liens are eligible for a firework permit.
 - (8) Each stand is required to have address numbers that are conspicuously located and meet the code requirements of commercial structures- eight inches.
 - (9) All sites are required to provide portable restroom facilities and must be removed within two weeks of closing.
- (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 a tent two (2) weeks before the opening dates for the sale of fireworks and shall be permitted two (2) weeks to remove the tent after the closing dates of the sale of the fireworks. All signs relating to the sale of fireworks shall be removed within five (5) days after the last day of the sale of fireworks. All trash shall be removed within twenty-four (24) hours.
- (2) Fireworks retailers doing business within the parish must store all signs and other materials related to the sale of fireworks behind sight-obscuring fences located in C-2 general commercial or I-1 and I-2 industrial districts within five (5) 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 (2) 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. Penalties for violation of any part: merchandise subject to seizure: subject to fine and imprisonment (R.S. 51:656).
- (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 one million dollars (\$1,000,000.00) naming the parish as an additional insured. Said certificate shall be provided to the parish prior to receiving a fireworks license.
 - (2) Each fireworks license shall cost one thousand five hundred dollars (\$1,500.00) per year without regard to the linear feet of retail counter space. Must have original state and parish license posted.
 - (3) No storage of any excess or unsold inventory will be allowed within the parish of St. Bernard at the expiration of the fireworks seasons. Any violation of the above shall be grounds for immediate revocation of the

EXHIBIT "A"
SUMMARY NO. 4212
ORDINANCE SBPC #2610-10-24

fireworks license. No on-site storage trailers or containers shall be allowed, all fireworks on site shall be in retail space.

- (4) An off-duty St. Bernard Parish firefighter with radio link to fire communications must be hired to perform detail work at all fireworks stands for the price of forty dollars (\$40.00) per hour for each hour worked and shall only be required for all operating hours on December 30 and 31 and July 3 and July 4. For each hour worked after twelve (12) consecutive hours, the detail pay shall be increased to fifty dollars (\$50.00) per hour.