

ORDINANCE NUMBER: 2022-005

**AN ORDINANCE OF THE CARENCRO CITY COUNCIL AMENDING THE
CARENCRO CODE OF ORDINANCES REGARDING THE RETAIL SALE OF
FIREWORKS**

BE IT ORDAINED by the Carencro City Council that:

SECTION 1:

The Carencro City Council (“Council”) now finds it necessary and expedient to amend the Carencro Code of Ordinances (Code) in order to enhance public safety and the quality of life for the citizens of Carencro by revising those provisions of the Code regulating the retail sale of fireworks, in order to limit the dates and times of the sale and use of same within the corporate limits of the City of Carencro.

SECTION 2:

In consideration of Section 1 above, the Council hereby amends Chapter 50 - OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. - FIREWORKS AND RELATED MATERIALS so that the following sections shall read as follows:

Sec. 50-62. - Penalties.

Whoever commits the offense of selling fireworks and related materials to minors shall be fined not more than \$100.00 for the first offense; not more than \$200.00 or imprisonment in the parish jail for not more than 30 days, or both, for a second offense; and not more than \$500.00 or imprisonment in the parish jail for not more than 30 days, or both, and the perpetrator shall forfeit his fireworks license or permit for a period of two years for a third or subsequent offense. Following such a forfeiture period, a new fireworks license is not implied or guaranteed and is subject to availability.

The violation of any other provision of this Article shall be punished in accordance with Chapter 1 – General Provisions, Section 1-15. - General penalty.

Sec. 50-64. - Possession and use.

No person under the age of 18 years shall use, handle, set off, shoot or have in possession any fireworks without adult supervision who shall also provide for the cleanup and removal of any and all resulting debris immediately following such discharge or display.

Aerial devices may not be ignited in residential areas where the structures are less than 50 feet apart.

It is a violation of this Article to explode or ignite fireworks while under the influence of alcoholic beverages, or with a blood alcohol concentration of 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, or while under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in LA R.S. 40:964, or while under the influence of a combination of alcohol and one or more

drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription.

No person shall explode or ignite fireworks within one thousand feet of any church, hospital, asylum, school, public building, or fireworks retail location per LA R. S. 51:654 (B).

No person shall explode or ignite fireworks on any roadway, public right of way, public property, or public park. No person shall explode or ignite fireworks on the property of another without their written permission.

Sec. 50-67. - Dates and times of sale and use.

Fireworks may be sold at retail from noon June 30 through 11:59 p.m. on July 4 and from noon December 20 through 11:59 p.m. on December 31.

Fireworks may be used, set off, or shot from June 30 to July 4 and from December 20 to January 1 from the hours of 8:00 a.m. to 8:00 p.m. Additional hours of fireworks use will be allowed from 8:00 p.m. on July 3 to 1:00 a.m. July 4, and from 8:00 p.m. December 31 to 1:00 a.m. January 1.

The Mayor or the City Council may suspend for a specified time, the use of fireworks within the corporate limits of the City of Carencro in the interest of public safety.

Sec. 50-69. - Number of fireworks stands operating within the city and permitting.

(a) The Mayor or the City Council may deny the issuance or renewal of permits within the corporate limits of the City of Carencro for just cause.

(b) The number of firework stands allowed to operate in the city shall be limited to four.

(c) A valid annual permit shall be required for each firework stand.

(d) Annual permits are non-refundable, non-transferable, and valid from the date of purchase until 11:59 p.m. on December 31

(e) Existing permit holders may renew a valid permit from January 1st through the last weekday in February, of the following year. Failure to provide proof that each permit was used to open a firework stand for each authorized sale period will result in forfeiture of any unused permit and loss of existing permit holder status. The city permitting official will accept renewal applications during normal business hours and days of operation, excluding weekends and city holidays. The city permitting official shall record the date and time of submittal on the application.

(f) Annually, on or after March 1, prospective permittees may apply for available permits. The city permitting official will accept applications during normal business hours and days of operation, excluding weekends and city holidays. The city permitting official shall record the date and time of submittal on the application.

(g) Prior to engaging in the sale of fireworks, permittees must obtain a city occupational license and provide documentation that confirms that the owner/operator of such stand/establishment is the owner of the property, or has a contract that authorizes such operation with the owner of the property upon which such stand/establishment is, or will be located.

(h) Prior to engaging in the sale of fireworks, permittees must obtain a retail permit from the Louisiana State Fire Marshal.

(i) The permit fee schedule and administrative procedures shall be defined in the city policies and procedures as authorized by the mayor.

(j) The city council adopts by reference and incorporates into this article, the following statutes of the Louisiana Administrative Code Title 51, Part VII-A. Fireworks, and as may be amended:

- (1) RS 51:650 Definitions.
- (2) RS 51:651 Sale or use of permissible fireworks.
- (3) RS 51:651.1 Possession, sale, or use of certain fireworks prohibited; penalties.
- (4) RS 51:652 Proper naming; certification on shipping cases; time for selling; exceptions; sale and storage in homes prohibited. A. and C. only.
- (5) RS 51:653 Storing and displaying of fireworks.
- (6) RS 51:654 Sales to children under 15 or to intoxicated or irresponsible persons prohibited; unlawful discharge; minimum age for employee; penalties. Except that no person or entity, vendor or retailer shall offer to sell or sell fireworks to a person less than 18 years of age.
- (7) RS 51:656 Permit to sell fireworks; application; fees; permit numbers.

SECTION 3: EFFECTIVE DATE OF ORDINANCE:

This ordinance shall become effective immediately upon return of the ordinance to the City Clerk (after execution by the Mayor), on the tenth (10th) day after receipt of the ordinance by the Mayor without signature or veto, or upon an override of a veto, whichever occurs first.

SECTION 4: REPEALER:

Any City of Carencro ordinance or parts thereof in conflict herewith are hereby repealed.