

STATE OF LOUISIANA

CITY OF WEST MONROE

ORDINANCE NO. \_\_\_\_\_

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

AN ORDINANCE TO AMEND SEC. 11-4022 OF THE CODE OF ORDINANCES, CITY OF WEST MONROE, LOUISIANA, RELATING TO THE REGULATION OF FIREWORKS WITHIN THE CITY, TO MODIFY SEC. 11-4022(c)(3)(i) IN ORDER TO CLARIFY THAT THE OPERATOR OF A PUBLIC DISPLAY OF FIREWORKS MUST BE PROPERLY LICENSED AND INSURED, AND TO ADD SEC. 11-4022(c)(4) IN ORDER TO ALLOW THE RETAIL SALE OF FIREWORKS AT A LOCATION RECENTLY ANNEXED INTO THE CITY AT WHICH THE SALE OF FIREWORKS HISTORICALLY OCCURRED PRIOR TO THAT ANNEXATION; TO PROVIDE AN EFFECTIVE DATE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

SECTION 1. BE IT ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that Section 11-4022 of the Code of Ordinances, City of West Monroe, Louisiana, is hereby amended, to now read as follows:

**"Sec. 11-4022. Fireworks.**

*(a) Scope.*

*(1) This section shall apply to fireworks as hereinafter defined, except as provided by the provisions of subsection (a)(2) hereof.*

*(2) Nothing in this section shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or use of fireworks for agricultural purposes under conditions approved by the fire chief.*

*(b) Definition. The term "fireworks," as used in this section, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable aero models and shall not include toy pistols, toy canes, toy guns or other devices in which paper and/or plastic caps containing not in excess of an average of twenty-five hundredths ( 25/100) of a grain of explosive content per cap manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper and/or plastic caps are used and toy paper and/or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap.*

*(c) Manufacture; sale; discharge.*

*(1) The manufacture and storage of fireworks is prohibited within the municipal limits of the city.*

*(2) It shall be unlawful for any person to store, offer for sale, expose for sale, sell*

*at wholesale or retail or use or explode any fireworks within the municipal limits of the city except as provided below.*

- (3) **(i) Public display of fireworks. The fire chief may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks and other organizations or group of individuals (also sometimes referred to as fireworks for display), including the imposition of a fee of two hundred fifty dollars (\$250.00), which shall be used by the city to offset the costs incurred by the city for the review and administration of these provisions. Such permits can be granted upon application to the fire chief and after approval of the chief of police and the filing of a bond by the applicant as provided below. Every such display shall be handled by a properly licensed and insured operator approved by the fire chief and by the chief of police, and shall be of such composition, character and so located, discharged or fired as in the opinion of the fire chief and of the chief of police, after they have made proper inspection, shall not be hazardous to property or endanger any person or persons.**

*(ii) Application for permits. Application for permits shall be made in writing at least thirty (30) days in advance of the date of the display. After such privilege has been granted, possession and use of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.*

*(iii) Safety. The possession and use of fireworks for display purposes shall be conducted so as to be reasonably safe to persons and property. The possession and use of fireworks for display purposes conforming to the provisions of the city's fire prevention code shall be deemed to be reasonably safe to persons and property; on matters not detailed in said Code, the possession and use of fireworks for display purposes conducted in accordance with the generally accepted national standards shall be evidence that such possession and use and distribution of fireworks for display purposes provide reasonable safety to persons and property.*

*(iv) Model rockets. The fire chief may adopt reasonable rules and regulations for the use of model rockets. The design, construction and use of model rockets shall be reasonable safe to persons and property. The design, construction and use of model rockets conforming to the provisions of the city's fire prevention code shall be deemed to be reasonably safe to persons and property; on matters not detailed in said code, the design, construction and use of model rockets is in accordance with the generally accepted national standards shall be evidence that such design, construction and use provides reasonable safety to persons and property.*

*(v) Bond; responsibility for fireworks display.*

*(A) The fire chief shall require a bond from the permittee in a sum not less than two hundred fifty thousand dollars (\$250,000.00) conditioned on compliance with the provisions of this section and not more than five million dollars (\$5,000,000.00), the amount to be determined after consideration of all circumstances, and upon the recommendation of the city attorney and city clerk.*

*(B) Before any permit for a pyrotechnic display shall be issued, the person making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person or any agent or employee thereof, in such amount, character, and form as the fire chief determines to be necessary for the protection of the public.*

*(vi) Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for*

*the particular type of fireworks remaining.*

*(vii) Seizure of fireworks. The fire chief shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this section.*

*(viii) Exemption. The temporary and non-commercial storage of fireworks with a retail value of less than two hundred fifty dollars (\$250.00) and which were legally purchased out of the municipal limits of the city shall not be prohibited by the provisions of this section.*

- (4) Notwithstanding the provisions of Subsection (c)(2) above, or any other provisions of this code, the sale of fireworks at retail locations is allowed if the seller is properly licensed and qualified with the State of Louisiana and with the City of West Monroe; if the seller complies with all rules and regulations established from time to time by the Fire Chief of the City; and the location for the retail sale of fireworks:**
- (i) is located on Highway 143 (White’s Ferry Road), Highway 616 (Arkansas Road), Highway 80 (Cypress Street), Highway 617 (Thomas Road), or Highway 34 (Jonesboro Road);**
  - (ii) is located on a parcel which has been annexed into the municipal limits of the City after January 1, 2020;**
  - (iii) is a location that has been utilized for properly licensed retail sales of fireworks at least one (1) year prior to the time of annexation into the City; and**
  - (iv) is now located in a B-3 or I-1 District.**

**Except as provided in this Subsection (c)(4), no retail sale of fireworks shall be allowed within the City, and all individual use of fireworks within the City remains prohibited.”**

SECTION 2. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that this amendment shall be effective November 1, 2022.

The above Ordinance was read and considered by Sections at a public meeting of the Mayor and Board of Aldermen, in regular and legal session convened, voted on by yea or nay vote, passed and adopted the 4<sup>th</sup> day of October, 2022, the final vote being as follows:

YEA: \_\_\_\_\_

NAY: \_\_\_\_\_

NOT VOTING: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ATTEST:

APPROVED THIS 4TH DAY OF  
OCTOBER, 2022

\_\_\_\_\_  
RONALD S. OLVEY, CITY CLERK  
CITY OF WEST MONROE  
STATE OF LOUISIANA

\_\_\_\_\_  
STACI ALBRITTON MITCHELL, MAYOR  
CITY OF WEST MONROE  
STATE OF LOUISIANA