

1 BY COUNCILMAN MESSINA

2
3 PROPOSED ORDINANCE NO. 2014 - _____

4
5 AN ORDINANCE TO AMEND ORDINANCE NO. 2009-19
6 RELATIVE TO ITINERANT VENDORS AND TO PROVIDE
7 FOR RELATED MATTERS

8
9 WHEREAS, Ordinance No. 2009-19 relative to itinerant vendors prohibits the sale of
10 certain items from temporary structures; and

11
12 WHEREAS, the City of Central desires to permit the sale of certain items from
13 temporary structures;

14
15 NOW THEREFORE, BE IT ORDAINED by the Council of the City of Central, State of
16 Louisiana as follows:

17
18 **Section 1.** TITLE 9, Chapter 1 is hereby enacted to read as follows:

19
20 CHAPTER 3. SEASONAL SALES

21
22 PART I. FIREWORKS

23
24 **§ 901. Temporary structure permit**

25
26 A. No person shall sell at retail any Class "C" fireworks as
27 defined by R.S. 51:651 without a current permit from the state fire
28 marshal pursuant to R.S. 51:656 or without a temporary structure
29 permit for the sale of fireworks issued by the City of Central.

30
31 B. No temporary structure permit for the sale of fireworks
32 shall be issued by the City of Central unless approved by Building
33 Official, Director for the Department of Public Works and the fire
34 chief for the fire department which includes the location at which
35 the fireworks are proposed to be sold.

36
37 C. No temporary structure permit for the sale of fireworks
38 shall be issued unless the location:

- 39
40 1. is at least 2 acres;
41 2. is zoned _____;
42 3. meets all requirements of R.S. 51:650, et seq.; and
43 4. has adequate ingress, egress for the provision of public
safety services.

1 **§ 903. Fee**
2

3 The fee for a temporary structure permit for fireworks sales
4 shall be \$100 for residents as defined in R.S. 51:650 and \$800 for
5 nonresidents.
6

7 **§ 905. Removal of temporary structure**
8

9 A. Temporary structures for the sale of fireworks shall not be
10 erected more than 20 days prior to June 25th and shall be removed
11 no later than 20 days after July 5th each year if sales are conducted
12 within the period of June 25th through midnight July 5th.
13

14 B. Temporary structures for the sale of fireworks shall not be
15 erected more than 20 days prior to December fifteen and shall be
16 removed not later than 20 days after January 1st each year if sales
17 are conducted within the period of December 15th through January
18 1st.
19

20 C. Any property owner which fails to remove a temporary
21 structure as required in this Section shall be ineligible for a
22 temporary structure permit pursuant to this section for a period of
23 twenty-four months.
24

25 **§ 907. Penalties, fines and enforcement**
26

27 A. Any permit issued hereunder may be suspended or revoked
28 by the City for failure to comply with the provisions of any City
29 ordinances or any provision of state law. If a permit is suspended
30 or revoked by the City for any reason, no permit shall be issued to
31 the holder for any other market during the term of the suspended or
32 revoked permit.
33

34 B. Any person violating any provision of this Part shall be
35 subject to a fine of not more than five hundred dollars (\$500) per
36 violation. Each day of violation shall constitute a separate
37 violation.
38

39 C. Violations of any provisions of this Chapter may be
40 enforced by the City pursuant to the Administrative Procedure
41 ordinance of Chapter 12 of Title 12 of the City of Central Code or
42 by a court of competent jurisdiction.
43

44 D. Any property owner which fails to remove a temporary
45 structure as required in this Section shall be ineligible for a
46 temporary structure permit pursuant to this section for a period of
47 twenty-four months.
48

1 **Section 2.** TITLE 12, Chapter 3A, Section 251(d) is hereby enacted to read as follows:
2

3 (d) Retailers, who have a current permit from the state fire
4 marshal pursuant to R.S. 51:656, to sell Class "C" "common
5 fireworks" or "consumer fireworks" as defined by R.S. 51:651
6 from noon June 25th through midnight July fifth and noon
7 December fifteen through midnight January first each year.
8

9 **Section 3. Conflicts.** This Ordinance shall supersede any and all other ordinances in conflict
10 with this Ordinance.
11

12 **Section 4. Severability.** If any section, subsection, sentence, clause or provision of this
13 Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of
14 invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the
15 part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of
16 invalidity and shall remain in force and effect.
17

18 **Section 5. Effective Date.** This Ordinance shall be effective upon publication.
19

20 Introduced on March 25, 2014.
21

22 This Ordinance having been submitted to a vote, the vote thereon was as follows:
23

24 For:
25 Against:
26 Absent:
27

28 Adopted the ____ day of _____, 2014.
29

30 Signed the ____ day of _____, 2014.
31

32 Delivered to the Mayor on the ____ day of _____, 2014.
33
34

35 _____
36 Mark Miley, City Clerk
37

38 Approved:
39
40

41 _____
42 Shelton "Mac" Watts, Mayor
43

43 Received from Mayor on the ____ day of _____, 2014:
44

45 _____
46 Mark Miley, City Clerk
47

48 Adopted Ordinance published in The Advocate on the ____ day of _____, 2014