

ORDINANCE NO. 18 SERIES 2013  
CITY OF LA GRANGE, KENTUCKY

**REPEALING AND REPLACING § 93.01, 93.02, 93.03, 93.04, 93.05, AND 93.06  
CONCERNING FIREWORKS**

**Whereas**, the City Council of the City of La Grange, Kentucky, has the authority pursuant to statute to enact Ordinances relating to the City, and

**Whereas**, it is desirable that the terms concerning the use and sale of fireworks within the City be changed, and

**Whereas**, it is therefore necessary that new and appropriate terms concerning requirements for the use and sale of fireworks within the City be established and this requires repealing and replacing of certain terms of the existing law.

Therefore, be it enacted and ordained by the Council Members of the City of La Grange, Kentucky, that:

Sections 93.01, 93.02, 93.03, 93.04, 93.05, and 93.06 of the City's Code of Ordinances are hereby repealed.

In place of these Sections of the Code, the following is now adopted as the law within the City of La Grange, Kentucky:

Section 1. This ordinance shall be known and may be cited as the "fireworks enforcement code."

Section 2. Definitions: The following words, terms and/or phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aerial or audible consumer fireworks* shall mean those consumer fireworks described in KRS 227.702 (2) and (3) only.

*Ancillary fireworks retailer* shall mean any person, business entity, association, or corporation of any kind, which is open to the public year round and at least twenty (20) calendar days per month, and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell only those fireworks as described in KRS 227.702 (1) and which such sales are ancillary to its primary course of business.

*Consumer fireworks* shall have the same meaning as in KRS 227.702.

*Fireworks* shall have the same meaning as in KRS 227.700 except it shall not include those described in KRS 227.702 (1).

*Permanent fireworks retailer* shall mean any person, business entity, association, or corporation of any kind which is open to the public year round and at least twenty (20) calendar days per month, and, which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell any consumer fireworks as its primary course of business.

*Seasonal fireworks retailer* shall mean any person, business entity, association, or corporation of any kind which is not considered a permanent fireworks retailer, and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell any consumer fireworks described in KRS 227.702 (2) and/or (3).

Section 3. Use and sale of fireworks

The use or sale of fireworks, including consumer fireworks, is prohibited except as set forth herein. The use or sale of any fireworks other than consumer fireworks, including display

fireworks as defined in KRS 227.706, are subject to the applicable restrictions of state and federal law and are further prohibited at all times within the city without written approval of the City's Chief of Police.

Section 4. Fireworks in city limits

Fireworks and consumer fireworks shall not be used, ignited, fired, or exploded in the city limits of the City of La Grange, Kentucky, except as follows:

- (a) Fireworks and consumer fireworks must be handled, stored, used, possessed, and sold in accordance with all applicable federal, state, and local law.
- (b) Fireworks and consumer fireworks may only be used, ignited, fired, or exploded between the hours of 10:00 a.m. and 10:00 p.m., except, that they may be used, ignited, fired, or exploded between the hours of 10:00 a.m. on December 31st to midnight on January 1st, and also between the hours of 10:00 a.m. and midnight on the following dates or holidays: July 3rd, July 4th, and Memorial Day.
- (c) Notwithstanding any provision herein to the contrary, and regardless of the day of the week on which July 4th falls, persons may use, ignite, fire, or explode fireworks or consumer fireworks on any date specifically named or designated by the city council members as the date to celebrate Independence Day for the city, if other than the actual date of July 4th between the hours of 10:00 a.m. and midnight.
- (d) No person may use, ignite, fire, or explode any fireworks or consumer fireworks as defined in KRS 227.702 (2) and (3) if they are under the age of eighteen (18), or within two hundred (200) feet of any structure, motor vehicle (whether operational or non-operational), or any person other than the person who is using, igniting, firing, or exploding the fireworks or consumer fireworks as defined in KRS 227.702(2), or where the use of such fireworks places that person in violation of any other law, regulation or ordinance.

Section 5. Seasonal and permanent fireworks retailers.

Seasonal fireworks retailers and permanent fireworks retailers within the city shall:

- (a) Submit an application for a "retail fireworks permit" from the City Code Enforcement Officer, at least fifteen (15) days prior to the applicant's desired effective date for the retail fireworks permit, on a form approved by the Chief of Police which shall, in addition to any requirements established by the Chief of Police or his designee, at a minimum require the submission of the name, phone number, and permanent address of the applicant. In the event that the applicant desires to operate multiple locations, a separate application does not have to be submitted for each location, however, each location must have a separate firework sales permit. Additionally, all applications must include a detailed site plan for the proposed location, the address of the proposed location, and contact information for the owner of the proposed location if other than the applicant; and
- (b) Provide proof of registration with the state fire marshal in accordance with the applicable provisions of Chapter 227 of the Kentucky Revised Statutes, and
- (c) Obtain a signature on the application from the Oldham County Planning Commission indicating that the proposed location on the application is zoned appropriately for the conduct of said business; and
- (d) Obtain a business license from the City of La Grange; and
- (e) Provide a certificate of insurance or other valid proof of general liability insurance in an amount of not less than one million dollars (\$1,000,000.00) per occurrence which shall remain in effect at all times while engaged in the permitted activity; and
- (f) Pay a permit fee according to the following table:

Type of Applicant	Permit Fee	Permit Period
Seasonal fireworks	\$1,000.00 per	Automatically expires 60 calendar days after the effective date

retailer	location	
Permanent fireworks retailer	\$3,000.00 per location	Automatically expires 365 calendar days after the effective date or upon a date in which the location no longer qualifies as a permanent fireworks retailer as defined herein
Permanent fireworks retailer (renewal)	\$600.00 per location	Automatically expires 365 calendar days after the effective date or upon a date in which the location no longer qualifies as a permanent fireworks retailer as defined herein

In the event that an applicant wishes to operate more than one (1) geographical location within the city, each location must have a separate permit and each permit is subject to the applicable permit fee; and

(g) Comply with all aspects of applicable provisions of Chapter 227 of the Kentucky Revised Statutes, the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association) and the City of La Grange Code of Ordinances; and

(h) Not allow any person under eighteen (18) years of age to sell consumer fireworks; and

(i) Not give, offer for sale, or sell any consumer fireworks to any person under eighteen (18) years of age; and

(j) Not offer for sale, expose for sale, or sell consumer fireworks except between the hours of 8:00 a.m. and 10:00 p.m.

#### Section 6. Fireworks permit

A valid retail fireworks permit must be prominently displayed at each location and at all times during the hours of operation. The Chief of Police or his designee may revoke or suspend any retail fireworks permit of any site which is in violation of this ordinance or Chapter 227 of the Kentucky Revised Statutes or any other part of the City of La Grange Code of Ordinances.

#### Section 7. Ancillary fireworks retailers

Ancillary fireworks retailers shall:

(a) Comply with all aspects of the applicable provisions of Chapter 227 of the Kentucky Revised Statutes, the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association) and the City of La Grange Code of Ordinances; and

(b) Not give, offer for sale, or sell any consumer fireworks to any person under eighteen (18) years of age; and

(c) Not offer for sale, expose for sale, sell at retail or wholesale, or keep with intent to sell any consumer fireworks other than those described in KRS 227.702 (1); and

(d) Obtain a business license from the city; and

(e) Maintain a certificate of insurance or other valid proof of general liability insurance in an amount of not less than one million dollars (\$1,000,000.00) per occurrence.

This Ordinance shall become effective upon its passage and publication.

FIRST READING: September 3, 2013

SECOND READING: October 7, 2013

CITY OF LA GRANGE KENTUCKY

BY: William Lammlein, Mayor

ATTEST:

To be a true Ordinance enacted by the City Council of the City of La Grange, Kentucky on this 7th day of October, 2013.

Clerk, City of La Grange, Kentucky

**VOTE:**

<b>FOR:</b>	<b>7</b>
<b>AGAINST:</b>	<b>1</b>
<b>ABSTAINED:</b>	<b>0</b>
<b>PRESENT:</b>	<b>8</b>