



St. Bernard Parish Council

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

#19

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Joshua "Josh" Moran
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Fred Everhardt, Jr.
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, JANUARY 19, 2021 AT THREE O'CLOCK P.M.

On motion of Mr. Everhardt, seconded by Mr. McCloskey, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2291-01-21

Summary No. 3865

Introduced by: Councilmember Everhardt on 1/5/21
Public Hearing held 1/19/21

AN ORDINANCE TO **AMEND** CHAPTER 10; FIRE PROTECTION AND PREVENTION, ARTICLE I; IN GENERAL, SECTION 10-5; OPEN BURNING OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby amend an ordinance to amend Chapter 10; Fire Protection and Prevention, Article I; In General, Section 10-5; Open Burning 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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Extract #19 continued
January 19, 2021

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


YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 19th day of January, 2021.


ROXANNE ADAMS
CLERK OF COUNCIL


RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President

1/22/2021 ²⁰²¹ ~~2020~~ 2:20pm
Date and Time

Received by

Maigen Kelley

Approved _____

Vetoed _____

Parish President

Guy McInnis

Returned to Clerk of the Council

1/25/2021 ²⁰²¹ ~~2020~~ 10:10am
Date and Time

Received by

Louisa Lalouge

Exhibit "A"
Summary No. 3865
Ordinance SBPC # 2291-01-21

Chapter 10 – Fire Protection and Prevention
Article I – In General
Section 10-5 – Open Burning

Sec. 10-5. - Open burning.

- (a) The open burning of any materials within the parish must comply with all state laws and regulations, including but not limited to any and all such laws and regulations enforced by the St. Bernard Parish Fire Department, the Louisiana Office of State Fire Marshall or Louisiana Department of Environmental Quality. All open burning not specifically authorized either by the laws of this state or this ordinance is prohibited.
- (b) The following types of open burning are permissible within the parish, so long as they are not violative of any applicable state law:
 - 1. The use of a "fire pit" in residential backyards.
 - a. For the purpose of this section, a "fire pit" is defined as an UL Listed approved container specifically designed for the use of burning wood or charcoal, including but not limited to portable fireplaces, fire pits or chimineas. All portable devices shall be equipped with a spark arrestor (i.e. screen or chimney).
 - b. The use of a fire pit shall conform with the following requirements:
 - i. A fire pit shall not be greater than four (4) feet in diameter;
 - ii. The height of burning materials shall not be greater than two (2) feet;
 - iii. The fire pit shall be constantly attended by a responsible adult;
 - iv. A functional water hose or a portable fire extinguisher shall be located next to the fire pit;
 - v. There shall be no more than one (1) fire pit per residential backyard;
 - vi. Only clean, dry firewood or charcoal may be used. Construction materials or yard waste are prohibited. The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is prohibited;

Exhibit "A"
Summary No. 3865
Ordinance SBPC # 2291-01-21

- vii. The fire shall be extinguished any time wind conditions become strong (at or above 12mph) and
 - 2. The opening burning of "debris".
 - a. "Debris" is defined for purposes of this ordinance as including items such as pine needles, pine-cones, shrubs, brush, cut timber, tree limbs or wood. Household garbage is specifically excluded from the definition of "debris."
 - b. Open fires for debris shall only be allowed in Rural A1, Suburban Agricultural (SA), and St. Bernard Village (SBV). Such debris shall include tree limbs and wood, but shall not include household garbage.
 - c. The open burning of debris must conform with the following requirements:
 - i. The fire area shall not be greater than eight (8) feet in diameter;
 - ii. The height of the burning materials shall not be greater than four (4) feet;
 - iii. A functional water hose attached to an operating water supply shall be located next to the fire site;
 - iv. The fire site shall be located at least ten (10) feet from the nearest property line;
 - v. The fire site shall be located at least fifty (50) feet from any structure, or a container must be used;
 - vi. There shall be no more than one (1) fire site per home site or parcel of land; and
 - vii. Burning shall only occur between sunrise and sunset.
- (c) The Louisiana State Fire Marshall or the St. Bernard Parish Fire Department shall have full authority to issue a ban on burning throughout St. Bernard Parish due to weather conditions.
 - (d) A nuisance fire or fire that creates dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities that injures or endangers the health, safety or well-being of others will be immediately extinguished regardless of compliance with the Parish Burn Ordinance.
 - (e) Burning for "Land Clearing" shall only be allowed by obtaining an approved permit from the St. Bernard Parish Fire Department and shall meet all local and state requirements.

Exhibit "A"
Summary No. 3865
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- (f) Suspected violations of state law concerning the open burning of materials should be reported to the appropriate local or state agency, including but not limited to the St. Bernard Parish Fire Department, Louisiana Office of State Fire Marshall and Louisiana Department of Environmental Quality.

- (g) Legal responsibility. Any person who causes damage to any structure, or property description, publicly or privately owned, shall assume full liability