

KENAI PENINSULA BOROUGH

ORDINANCE 69-15

AN ORDINANCE ENTITLED: AN ORDINANCE REGULATING AND CONTROLLING
THE SALE AND USE OF FIREWORKS

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. Title 14 of the Kenai Peninsula Borough Code of Ordinances
is amended by adding a new chapter to read:

CHAPTER 14.10 FIREWORKS

Sec. 14.10.010. Prohibition of Sale. It is unlawful for any person, business, corporation, association, club or organization to sell, expose for sale, or offer for sale any fireworks within the corporate limits of the Kenai Peninsula Borough outside the corporate limits of any city, except as otherwise provided in this chapter.

Sec. 14.10.015. Prohibition of Use. It is unlawful for any person, business, corporation, association, club or organization to use or explode any fireworks within the corporate limits of the Kenai Peninsula Borough outside the corporate limits of any city, except as otherwise provided in this chapter.

Sec. 14.10.020. Exceptions for Authorized Displays. Fireworks may be used for public displays by municipalities, fair associations, amusement parks and other organizations or groups of individuals, if:

1. A permit is obtained from the borough chairman or his designee.
2. A bond is filed with the borough in the amount of at least \$500.00 to ensure payment of all damages to persons or property caused by the display. The bond requirement will not be operative if the holder of the permit has in effect an insurance policy which accomplishes the same purpose as the bond.

No permit issued under this section is transferable.

Sec. 14,10.025. Permissible Sales and Uses. Nothing in this ordinance shall be construed to prohibit:

1. Any resident wholesaler, dealer, or jobber from selling at wholesale those fireworks which are not prohibited in this ordinance.
2. The sale of any kind of fireworks if the fireworks are to be shipped directly from the state in accordance with regulations of the United States Interstate Commerce Commission.
3. The use of fireworks by railroads or other transportation agencies for signal purposes or illumination.
4. The sale or use of blank cartridges for a show or a theater.
5. Use of fireworks for signal or ceremonial purposes in athletic events or parades.
6. Use by military organizations.

Sec. 14,10.030. Definition of Fireworks. In this ordinance "Fireworks" includes 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 includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require explosive propellant, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, or other fireworks of like construction, which contain any explosives or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares and paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission regulations for packing and shipping, as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

Sec. 14.10.035. Penalties. Every person, firm, corporation, club, association or organization violating this ordinance shall be punishable by a fine not exceeding \$300.00 or by imprisonment not exceeding 30 days, or by both, together with the costs of prosecution for each separate offense.

Section 2. This ordinance takes effect 30 days after enactment.

Adopted on 10/10/69
ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
19 DAY OF August, 1969.

/s/ Bob Ross
Assembly President

ATTEST:

Sharon R. Rasmussen
Borough Clerk

