

Introduced by: Mayor
Date: June 19, 1979
Hearing: ~~July 17, 1979~~
Vote:
Action: *Withdrawn 6/19*

KENAI PENINSULA BOROUGH

ORDINANCE 79-40

DECLARING AN EMERGENCY AND PROHIBITING THE SALE AND USE OF
FIREWORKS IN THE BOROUGH OUTSIDE CITIES.

WHEREAS, extremely dry climate has caused a severe fire hazard on the Peninsula requiring limitation of the Kenai National Moose Range recreation use, and the imposition of a ban on open fires by the State of Alaska; and

WHEREAS, the cities within the Borough prohibit the sale of fireworks; and

WHEREAS, Chief Al Willis, Nikiski Fire Department, Chief Wally Winston, Kenai Fire Department; Chief Allen Phillips, Soldotna Fire Department; Bob Evans, BLM Fire Control; David Wyncoop, State Forester; Chief Phil Morris, Homer Fire Department; Chief Oscar Watsjold, Seward Fire Department; Chief Leonard C. Weimar, Bear Creek Fire Service Area, through the Peninsula Fire Chief's Association, strongly favor banning the sale and use of fireworks in the Borough; and

WHEREAS, as of June 19, 1979, the state and national forest officials continue to warn of extreme fire damage in the forested areas of the Peninsula;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE
KENAI PENINSULA BOROUGH:

Section 1. That the assembly finds and declares that an emergency exists within the Borough from the extremely incendiary conditions prevailing in the forested areas of the Peninsula as a result of the lack of sufficient rainfall and other climatic conditions.

Section 2. Prohibition on Sale. It shall be 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 Borough outside the corporate limits of the cities of Kenai, Soldotna, Seward, Homer and Seldovia.

Section 3. Prohibition on Use. It shall be unlawful for any person, business, corporation, association, club or organization to use or explode any fireworks within the corporate limits of the Borough outside of the corporate limits of the cities of Kenai, Soldotna, Seward, Homer and Seldovia.

Section 4. 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, 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.

Section 5. Penalties. Every person, firm, corporation club, association or organization violating this ordinance upon conviction shall be punishable by a fine not exceeding \$500.00, or by imprisonment not exceeding 30 days, or both.

Section 6. This ordinance takes effect immediately upon its enactment, and shall be in effect for sixty (60) days, except that the Mayor may by Executive Order suspend the enforcement of this ordinance during those periods when the State of Alaska lifts the ban on open fires, or when the climatic conditions result in a low fire danger in the judgment of the state and national forest officials. The

Mayor shall file a copy of each such Executive Order with the assembly, and it shall be posted in the Borough Clerk's office during all times that enforcement of this ordinance is suspended.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS _____ DAY OF _____, 1979.

ATTEST: .

JoAnn Elson, Assembly President

Borough Clerk

