

Introduced by: Dimmick  
Date: June 3, 1980  
Hearing: July 1, 1980  
Vote:  
Action: Failed Setting for Hearing 6-3-80

KENAI PENINSULA BOROUGH

ORDINANCE 80-38  
(SUBSTITUTE)

ENACTING A NEW CHAPTER 10.08 OF THE BOROUGH CODE OF ORDINANCES REGULATING THE SALE AND USE OF FIREWORKS IN THE BOROUGH OUTSIDE CITIES DURING AN EMERGENCY.

WHEREAS, extremely dry climate has periodically caused 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, the members of the Peninsula Fire Chief's Association have consistently favored regulating or banning the sale and use of fireworks in the Borough; and

WHEREAS, the unregulated sale and use of fireworks can contribute to conditions of extreme fire dangers in the forested areas of the Peninsula; and

WHEREAS, the assembly finds and declares that fireworks pose a danger within the Borough when extremely incendiary conditions prevail in the forested areas of the Peninsula as a result of the lack of sufficient rainfall and other climatic conditions, and during the annual fire season; and

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

Section 1. That a new chapter 10.08 of the Borough Code of ordinances is enacted to read:

Section 10.08.010. Mayor's Executive Order--  
Prohibition on Sale. The Mayor may by Executive Order prohibit any person, business, corporation, association, club or organization from selling, using, exploding, or offering 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 during those periods when the State of Alaska imposes a ban on open fires, or when the climatic conditions result in a high fire danger in the judgment of the state and national forest officials, or when the Mayor, in his judgment determines that it is in the interest of public safety.

Section 10.08.020. 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 10.08.030. 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 2. This ordinance takes effect immediately upon its enactment and according to its terms.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1980.

JoAnn Elson, Assembly President

ATTEST:

Kenai Peninsula Borough  
Ord. 80-38 (Substitute)  
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Borough Clerk