

ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 81-74 of the Kenai Peninsula borough, this certification of the actions taken by me conforms with the rules and regulations governing ordinances.

1. Publication: Publication has been made by causing a summary of this ordinance to be inserted one time in a newspaper of general circulation in the borough. One copy of this ordinance as set for hearing, together with Notice of Hearing has been mailed to the city clerks of each first class city in the borough and to each postoffice in the borough with a request for posting on the City Hall and Post Office bulletin boards for 10 days immediately following receipt.
2. After adoption of this ordinance, one copy will be mailed to the city clerk of each first class city in the borough.

This ordinance was ~~DEFEATED~~ by the assembly of the Kenai Peninsula Borough on the 18 day of August, 1981.
and will become effective never.


Borough Clerk

Date: 9-1-81

Introduced by: Mayor, Fischer,
Dimmick
Date: July 21, 1981
Hearing: August 18, 1981
Vote: 5 Yes, 11 No
Action: DEFEATED

KENAI PENINSULA BOROUGH

ORDINANCE 81-74

ENACTING A NEW CHAPTER 10.08 OF THE BOROUGH CODE OF ORDINANCES REGULATING THE USE AND SALE OF FIREWORKS IN THAT PORTION OF THE BOROUGH OUTSIDE CITIES DURING PERIODS OF FOREST FIRE HAZARD.

WHEREAS, periods of extremely dry climatic conditions have caused severe fire hazards to exist on the Peninsula which require limitation of recreational usage of the Kenai National Wildlife Refuge and the imposition of a ban on open fires by the State of Alaska; and

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

WHEREAS, 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 has contributed to conditions of extreme fire danger in forested areas of the Peninsula and has resulted in the setting of at least one fire during 1981 which threatened life and property; 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;

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

Section 1. That the Borough Code of ordinances is amended by adding a new chapter, to be numbered 10.08 which reads:

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.

Section 10.080.20. 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 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.

DEFEATED
~~ENACTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS _____ DAY OF _____, 1981.

Paul Fischer, Assembly President

ATTEST:

Francis Brymer
Borough Clerk

Kenai Peninsula Borough
Ordinance 81-74
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