

Introduced by: Dimmick
Date: Mar. 16, 1982
Hearing: Apr. 20, 1982
Action: DEFEATED AT INTRODUCTION
Vote:

KENAI PENINSULA BOROUGH

ORDINANCE 82-22

ENACTING A NEW CHAPTER 10.16 OF THE BOROUGH CODE OF ORDINANCES PROHIBITING THE SALE AND USE OF FIREWORKS IN THE BOROUGH OUTSIDE CITIES.

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 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

WHEREAS, fireworks are dangerous instrumentalities capable of inflicting serious injury to persons and property; and

WHEREAS, explosions from fireworks can disturb the peace and quiet, and invade the rights of all persons within earshot.

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

Section 1. That a new chapter 10.16 of the Borough Code of ordinances is enacted to read:

Section 10.16.010. 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 10.16.020. 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 10.16.030. 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, 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 10.16.040. 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. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1982.

John C. Davis, Assembly President

ATTEST:

Borough Clerk