

Introduced by: Dimmick
Date: July 19 1983
Hearing: Aug. 16 1983
Vote:
Action: Not set for hearing

KENAI PENINSULA BOROUGH
ORDINANCE 83-54 (Substitute)

ENACTING A NEW CHAPTER 10.16 OF THE BOROUGH CODE OF ORDINANCES REGULATING THE SALE OF FIREWORKS IN THE AREAS OF 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, there have recently been fires caused by fireworks in the areas outside the cities within the Borough; 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;

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 Prohibitions on sale. Within the corporate limits of the Borough outside the corporate limits of the cities of Kenai, Soldotna, Seward, Homer and Seldovia it shall be unlawful;

A. To sell fireworks to minors at any time;

B. To sell, offer for sale, or expose for sale fireworks during the fire season as defined in this

chapter excepting the period from June 25 to July 4, inclusive, during which excepted period sale of fireworks shall be permitted.

Section 10.16.010 Definitions for the purposes of this ordinance.

A. "Fire season" means the period from May 1 to September 30, inclusive, of each year.

B. "Fireworks" includes any combustible or explosive 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, ballons 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.

C. "Person" for purposes of this ordinance means any person, partnership, business, corporation, association, club or organization of any nature.

D. "Minor" is a person who has not attained the age of majority as defined or set by the Alaska Statutes.

Section 10.16.030 Penalties. Every person, firm, corporation, club, association or organization violating this chapter, upon conviction, shall be punishable by a fine not exceeding \$500.00, or by imprisonment not exceeding 30 days, or both. Each sale in violation of this chapter shall be considered a separate offense.

Section 2. This Chapter of the Kenai Peninsula Borough Code shall be entitled "Fireworks".

Section 3. That this ordinance takes effect immediately upon

its enactment.

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

Donald L. McCloud, Assembly President

ATTEST:

Borough Clerk