

Introduced by: Moore,
Glick, Stephens, Walli,
Mullen, Dale, Skogstad,
Sewall
Date: Feb. 19, 1985
Vote: 10 Yes, 4 No
Action: Adopted
VETOED BY MAYOR
3/5/85

KENAI PENINSULA BOROUGH

ORDINANCE 85-4

SUBSTITUTE 3

BANNING THE SALE AND USE OF FIREWORKS WITHIN ALL AREAS OF THE KENAI PENINSULA BOROUGH OUTSIDE THE CITIES OF HOMER, KACHEMAK CITY, KENAI, SELDOVIA, SEWARD AND SOLDOTNA.

WHEREAS, there exists a high fire danger in many areas of the Kenai Peninsula Borough during the spring, summer and early fall; and

WHEREAS, there exists a danger of fires being started by careless use of fireworks; and

WHEREAS, fireworks are readily available in areas of the borough outside of cities; and

WHEREAS, the crowded conditions in recreational facilities within the borough create a high risk of personal injury or fire danger when fireworks are available;

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

Section 1. That a new Chapter 10.18 of the Kenai Peninsula Borough Code of Ordinances entitled "Fireworks Control" is hereby enacted to read as follows:

10.18.010 Title. This chapter shall be known as the Fireworks Control Ordinance of the Kenai Peninsula Borough.

10.18.020 Banning the sale and use. A. No person, business, corporation, association, club or organization shall sell, expose for sale, offer for sale or use any fireworks within the Kenai Peninsula Borough outside of the boundaries of the cities of Homer, Kachemak City, Kenai, Seldovia, Seward and Soldotna.

B. Exception. For the 1985 season only, sales and use of fireworks will be allowed from June 30 to July 5.

10.18.030 Exceptions for authorized displays.
A. Fireworks may be used for public displays by municipalities, fair associations, amusement parks and

other organizations or individuals if:

1. A permit is obtained from the Borough Mayor or any Borough employee designated by him; and
2. Any appropriate or required licenses or certificates have been obtained from the State; and
3. A bond is filed with the Borough in the amount of at least \$500 to insure payment of damages to persons or property caused by the display. The bond requirement may be waived if the holder of the permit has in effect an insurance policy which accomplishes the same purpose as the bond.

B. No permit is transferrable.

C. This section does not authorize the mayor to approve displays within the boundaries of the cities of Homer, Kachemak City, Kenai, Seldovia, Seward and Soldotna.

10.18.040 Definitions. For the purposes of this chapter the following definitions shall apply:

"Fireworks" shall mean fireworks as defined by AS 18.72.050 as it now exists or may from time to time be amended or changed by the legislature.

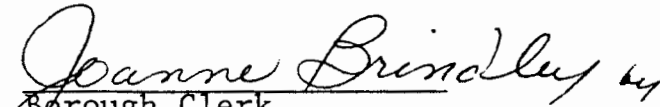
10.18.050 Penalties. Upon conviction, each violation of this chapter shall be subject to a fine of \$500.

Section 2. That this ordinance shall take effect May 1, 1985.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 19th DAY OF FEBRUARY, 1985.


Marilyn Dimmick, Assembly President

ATTEST:


Joanne Brindley,
Borough Clerk


Catherine Y. DeLacoe, Dep. Clerk