

Introduced by: Glick/Nash
Date: Oct. 29, 1985
Hearing: Dec. 3, 1985
Vote: 12 Yes, 4 No
Action: Enacted

KENAI PENINSULA BOROUGH
ORDINANCE 85-87 (AMENDED)
(LOCAL AFFAIRS COMMITTEE SUBSTITUTE)

REGULATING THE USE OF FIREWORKS.

WHEREAS, an advisory question was placed on the ballot of the regular election held October 1, 1985 by adoption of Resolution 85-138; and

WHEREAS, the advisory vote indicated support for regulation of the sale and use of fireworks within the Kenai Peninsula Borough outside of cities; and

WHEREAS, the question of a total ban on the sale and use of fireworks within the Borough outside cities was approved over a seasonal ban; and

WHEREAS, the enactment of this ordinance does not preclude pyrotechnical displays as long as proper permits are obtained and appropriate departments notified;

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 use. The use of fireworks is forbidden within the Kenai Peninsula Borough outside of the boundaries of the cities of Homer, Kachemak City, Kenai, Seldovia, Seward and Soldotna, except as otherwise provided in this chapter.

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 groups holding a current permit issued by the Borough Mayor as provided elsewhere in the chapter.

10.18.040 Use Permits. A. The Borough Mayor or his designee may issue a fireworks use permit to municipalities, fair associations, amusement parks and other organizations, or groups for public fireworks displays provided that the display is to be conducted by a professional pyrotechnician during a calendar year thirty days from date of application showing:

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1. The dates and locations of the proposed displays; and
2. That all appropriate or required State licenses or certificates have been procured; and
3. That a cash or corporate security bond has been filed with the Borough in the amount of at least \$1,500 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;
4. That the appropriate fire departments have been notified and invited to be in attendance for fire control purposes;
5. That the State fire marshal has issued the necessary permit;
6. The name and address of the applicant, and the name and address of the professional pyrotechnician or company who will be conducting the display;

B. In the event that an objection is received from the State fire marshal or any applicable fire department, within said 30 day period, the Mayor may deny the application for cause shown pursuant to KPB 21.12.

10.18.050 Banning the sale. The sale or offering for sale of Class C fireworks is forbidden within the Kenai Peninsula Borough outside of the boundaries of the cities of Homer, Kachemak City, Kenai, Seldovia, Seward and Soldotna.

10.18.060 Miscellaneous provisions. A. No permit shall be issued for more than three displays per calendar year.

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.

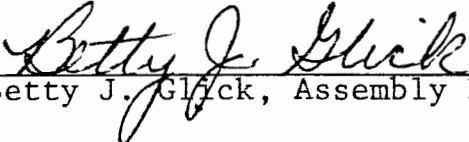
10.18.070 Definitions. For the purpose of this chapter the following definitions shall apply:

1. "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.
2. "Display" shall mean the detonation of fireworks at any time.
3. "Professional pyrotechnician" shall mean an individual who has been licensed by the division of Alcohol, Tobacco, and Firearms to use Class A, Class B, and Class C fireworks.

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

Section 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 17th DAY OF December, 1985.


Betty J. Glick, Assembly President

ATTEST:


Joann Brindley
Borough Clerk

