

Introduced by: Merkes, Scalzi,  
Brown  
Date: 2/6/96  
Hearing: 3/5/96  
Action: Enacted  
Vote: Unanimous

**KENAI PENINSULA BOROUGH  
ORDINANCE 96-05**

**AN ORDINANCE AMENDING CHAPTER 10.18  
CONCERNING FIREWORKS CONTROL**

**WHEREAS,** Chapter 10.18 of the Borough Code of Ordinances presently requires a professional pyrotechnician to conduct permitted fireworks displays; and

**WHEREAS,** ICC Class "C" salable fireworks as defined in AS 18.72.100(4) are less dangerous than "dangerous fireworks", as defined in AS 18.72.100(1), and do not necessarily require professional training to operate safely; and

**WHEREAS,** state statutes only require a person desiring to conduct a public display of such "dangerous fireworks" to obtain a permit; and

**WHEREAS,** requiring a professional pyrotechnician to conduct all permitted fireworks displays, including those involving only ICC Class "C" salable fireworks, imposes a substantial and unnecessary cost on the public display of fireworks in the borough;

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

**SECTION 1.** That KPB 10.18.040 is amended as follows:

**10.18.040. Use permits.**

A. The borough mayor or his designee may issue a fireworks use permit, within 30 calendar days from the date of application, to municipalities, fair associations, amusement parks and other organizations, or groups for public fireworks displays provided that the application shows, and issuance of the permit is conditioned upon [THE DISPLAY IS TO BE CONDUCTED BY A PROFESSIONAL PYROTECHNICIAN DURING A CALENDAR YEAR THIRTY DAYS FROM DATE OF APPLICATION SHOWING] :

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 requirements 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 if required by law; and

6. The name and address of the applicant, and, if required pursuant to this code, the name and address of the professional pyrotechnician or company who will be conducting the display.

B. A professional pyrotechnician shall conduct all fireworks displays that include "dangerous fireworks" as defined in AS 18.72.100(1). A fireworks display involving no "dangerous fireworks" may be conducted without a professional pyrotechnician.

C. 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 CHAPTER 21.12].

**SECTION 2.** That KPB 10.18.070 is amended as follows:

**10.18.070. Definitions.**

For the purpose of this chapter the following definitions shall apply:

A. "Dangerous fireworks" means dangerous fireworks as defined by AS 18.72.100(1), as it now exists or may from time to time be amended or changed by the legislature.

B. "Display" means the detonation of fireworks at any time.

C[A]. "Fireworks" means fireworks as defined by AS 18.72.100(3) [.050], as it now exists or may from time to time be amended or changed by the legislature.

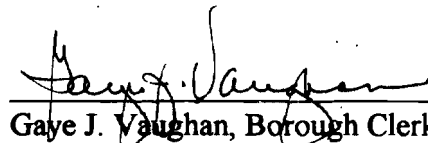
D[C]. "Professional pyrotechnician" shall mean an individual who has been licensed by the division of Alcohol, tobacco, and Firearms to use Class A, Class B, and Class C fireworks.

**SECTION 3.** That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5th DAY OF MARCH, 1996.**

  
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Andrew P. Scalzi, Assembly President

ATTEST:

  
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Gaye J. Vaughan, Borough Clerk