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Submitted by: ASSEMBLY MEMBER TRAINI
Prepared by: Assembly Counsel
For reading: December 11, 2007

ANCHORAGE, ALASKA
AO NO. 2007-132(S)

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 8.75.040, FIREWORKS, TO PERMIT
3 THE USE OF CERTAIN COMMON FIREWORKS FOR A LIMITED TIME PERIOD
4 ANNUALLY IN CELEBRATION OF THE NEW YEAR.
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7 THE ANCHORAGE ASSEMBLY ORDAINS:
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9 **Section 1.** Anchorage Municipal Code section 8.75.040, Fireworks, is hereby
10 amended to read as follows:
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12 **8.75.040 Fireworks.**
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14 A. Unless specifically authorized in this subsection, [I]it is unlawful for any
15 person to knowingly sell, possess, or use any explosive fireworks or stench bomb
16 to which fuses are attached or which are capable of ignition by matches or
17 percussion, without permission of that municipal official charged with issuing
18 permits for such activities.
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20 1. Provisions of AMC 15.70.060B.6 notwithstanding, the discharge of
21 Class C Common Fireworks, **excepting mines, shells, and firecrackers,**
22 defined as salable under AS 18.72.100, lawfully purchased outside the
23 jurisdiction of the municipality, shall be allowed without permit during the
24 **6-hour [5-HOUR]** annual period beginning **7:00 [11:30]** p.m. Alaska
25 Standard Time on December 31 and ending **1:00 [4:30]** a.m. Alaska
26 Standard Time on January 1, except in these restricted areas:
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- 28 a. Central Business District Core;
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30 b. PLI Public Lands and Institutions District;
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32 c. Municipal parks;
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34 d. Within 500 feet of any visitor accommodation, health care or
35 assisted living facility, library, school, or place of worship;
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37 e. Within 500 feet of any automotive service station or other
38 premises where flammable liquids or gases are stored;

f. Within or from any structure, vehicle, or vessel;

g. Any location designated a noise-sensitive zone under AMC 15.70.040A.7 or determined to pose a danger to the public or property.

2. This section does not apply to sale, possession, or use of highway or other warning flares, or of ammunition for firearms, unless used for other than their intended purposes.

B. It is unlawful for any person to advertise for sale any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion without a specific declaration in the advertising stating: "it is unlawful for any person to sell, possess or use fireworks within the Municipality of Anchorage except in compliance with AMC 8.75.040 during the annual 6-hour [5-HOUR] New Year limited discharge period in non-restricted areas beginning 7:00 [11:30] p.m. AST on December 31 and ending 1:00 [4:30] a.m. AST on January 1. [AMC 8.75.040A] [8.05.270 A]."

C. Violation of this section shall be punished by a fine of not more than \$500.00.

D. As an alternative to the remedies, procedures and penalties provided in this Title and Section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with Chapter 14.60.

(GAAB 18.05.010.Y; AO No. 97-90, § 1, 7-1-97; AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 4, 12-11-01; AO No. 2003-73, § 3, 4-22-03)

Section 2. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2007.

Chair

ATTEST:

Municipal Clerk

→ § 18.72.100. Definitions

In this chapter and fireworks regulations adopted in the state fire safety code,

- (1) "dangerous fireworks" includes all fireworks that are not defined as salable fireworks;
- (2) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;
- (3) "fireworks" means salable fireworks or dangerous fireworks;
- (4) "salable fireworks" are ICC Class C Common Fireworks and shall include only those fireworks enumerated as ICC Class C Common Fireworks in the regulations of the Interstate Commerce Commission, as the regulations are presently constructed, and, more specifically, shall include and be limited to the following:
 - (A) roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight, any inside tube diameter not to exceed 3/8 inch;
 - (B) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed 1/2 inch, with the rocket sticks being securely fastened to the tubes;
 - (C) helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed 1/2 inch;
 - (D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed 3/4 inch;
 - (E) cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;
 - (F) wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240 grams for each complete wheel, and the inside tube diameter of driver units not to exceed 1/2 inch;
 - (G) illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 100 grams each in weight;
 - (H) dipped sticks, the pyrotechnic composition of which contains chlorate or perchlorate, that do not exceed five grams, and sparklers, the composition of which does not exceed 100 grams each and that contains no magnesium or magnesium and a chlorate or perchlorate;
 - (I) mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight;
 - (J) firecrackers with soft casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight;
 - (K) novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.

SLA 1969, ch. 116, § 1.