See. At 2010-86(5)

Submitted by: ASSEMBLY CHAIR TRAINI
Prepared by: Assembly Counsel

For reading: New York at 22, 2012

For reading: November 23, 2010

ANCHORAGE, ALASKA AO NO. 2010-86

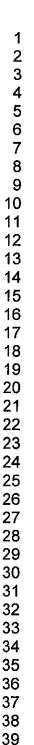
AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.75.040, FIREWORKS, TO PROVIDE FOR PERSONAL USE OF CERTAIN COMMON FIREWORKS ON PRIVATE PROPERTY WITHOUT A MUNICIPAL PERMIT FOR A LIMITED NUMBER OF HOURS IN ANNUAL CELEBRATION OF THE NEW YEAR, SUBJECT TO RESTRICTIONS.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 8.75.040, Fireworks, is hereby amended to read as follows:

8.75.040 Fireworks.

- A. It is unlawful for any person to knowingly sell, possess, or use any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion, without permission of that municipal official charged with issuing permits for such activities. 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. A municipal permit under this section is not required for possession or discharge of personal use fireworks on private property by the private property owner, subject to these limitations:
 - 1. As used in this section, the term personal use fireworks shall mean 1.4 G fireworks, as defined by the National Fire Protection Association, and more specifically, limited to lawful salable fireworks under Alaska law, purchased for personal use with proof of lawful purchase outside the Municipality of Anchorage.
 - 2. Personal use fireworks may be discharged in non-restricted areas without municipal permits under this section and 15.70.070 only during the 6-hour annual period beginning 7:30 p.m. Alaska Standard Time on December 31 and ending 1:30 a.m. Alaska Standard Time on January 1.
 - 3. The following locations are restricted areas and municipal permits are required:



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MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 621–2010

Meeting Date: November 23, 2010

From: ASSEMBLY CHAIR TRAINI

Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.75.040, FIREWORKS, TO PROVIDE FOR PERSONAL USE OF CERTAIN COMMON FIREWORKS ON PRIVATE PROPERTY WITHOUT A MUNICIPAL PERMIT FOR A LIMITED NUMBER OF HOURS IN ANNUAL

CELEBRATION OF THE NEW YEAR, SUBJECT TO RESTRICTIONS.

This proposed ordinance would allow the discharge of certain state-allowed fireworks for an annual limited time period, measured in hours, in celebration of the New Year. This proposed ordinance does not change the status quo on the sale of fireworks within the Municipality of Anchorage: Sale of fireworks within the municipality is prohibited.

Under this proposed ordinance, there are many restricted areas in which no discharge is permitted. Under these restrictions, no fireworks are allowed within 500 feet of any commercial overnight visitor accommodation, health care or assisted living facility, library, school, or place of worship; and no fireworks are allowed within 500 feet of any automotive service station or other premises where flammable liquids or gases are stored. Additional "off-limits" areas include: The Central Business District Core; the PLI Public Lands and Institutions District; all Municipal parks. Enforcement and prosecution of violations in these especially sensitive areas is encouraged.

Discharge of fireworks within or from any structure or vehicle, or within any location designated a noise-sensitive zone under AMC 15.70.040, or determined to pose a fire danger to the public or property, remain unlawful.

This proposed ordinance allows certain fireworks for only a few hours each year to celebrate the change from old to new: Beginning in the evening of December 31 and continuing until 1:30 a.m. on January 1, no permit would be required for a person to discharge on their own private property personal use fireworks, defined as lawful "salable" and not "dangerous fireworks" under Alaska law (AS 18.72.100).

Current law has no defined allowable time period, and no enumeration of especially sensitive areas, making enforcement under current law difficult on New Year's Eve. By enumerating the especially sensitive areas as "off limits", and allowing a limited period of hours for fireworks in other areas, law enforcement can focus on the prosecution of fireworks life-safety violations and critical disturbances.

Respectfully submitted: Dick Traini, Assembly Chair, Section 4