

Submitted by: ASSEMBLY MEMBER TRAINI

Prepared by: Assembly Counsel

For reading: January 17, 2012

**ANCHORAGE, ALASKA  
AO NO. 2012-2**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUBMITTING TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE AT THE REGULAR MUNICIPAL ELECTION ON APRIL 3, 2012, A BALLOT PROPOSITION TO AUTHORIZE 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; AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.75.040 UPON VOTER APPROVAL OF THE BALLOT PROPOSITION.**

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**WHEREAS**, in a 365-day year, there are a total of 8,760 hours; and

**WHEREAS**, Anchorage residents and voters have proven themselves eager to weigh-in on legislation concerning the personal use of fireworks for a limited number of hours in annual celebration of the New Year; and

**WHEREAS**, allowing personal use of fireworks for 3 out of the 8,760 hours in a year, and no closer than 20 feet to another residence, may represent an appropriate balance in fairness to all concerned, and assist in Municipal enforcement; and

**WHEREAS**, the adoption of more restrictive measures in neighborhoods by homeowner association rules and covenants is not prohibited in code; and

**WHEREAS**, a ballot proposition in the April 3, 2012 election is the appropriate mechanism under the Anchorage Home Rule Charter to allow the voters of Anchorage to decide this issue by majority vote; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Pursuant to Alaska Statute 29.45.030(e), a ballot proposition in substantially the following form and substance shall be submitted to the qualified voters of the Municipality of Anchorage at the next regular Municipal election to be held on April 3, 2012:

**PROPOSITION NO. \_\_\_\_**

**DURING THE 3-HOUR PERIOD BEGINNING 10:00 P.M. ALASKA STANDARD TIME ON DECEMBER 31 AND ENDING 1:00 A.M. ALASKA STANDARD TIME ON JANUARY 1, SHALL THE MUNICIPALITY BY ORDINANCE ALLOW THE ANNUAL DISCHARGE OF PERSONAL USE FIREWORKS WITHOUT A PERMIT?**

**YES [ ]**

**NO [ ]**

mean any parcel or adjacent parcels of land in the same ownership which are managed for occupancy by more than two mobile homes.

- i. Any location within twenty (20)[9] feet of any dwelling not used as the living quarters of the person using fireworks. For purposes of this prohibition, *dwelling* shall mean any building used as the living quarters of one or more families.

~~j. [WITHIN MUNICIPAL BOUNDARIES, THE POSSESSION OR TRANSPORT OF FIREWORKS IN A MOTOR VEHICLE BY AN INDIVIDUAL FOR PERSONAL USE IS UNLAWFUL AND THE FIREWORKS MAY BE CONFISCATED FOR PUBLIC SAFETY DISPOSAL, EXCEPT THE DIRECT PERSONAL TRANSPORT BY MOTOR VEHICLE OF LAWFUL FIREWORKS FOR PERSONAL USE IS PERMISSIBLE WHEN:~~

~~i. CONDUCTED WITHIN THE 24 HOUR PERIOD IMMEDIATELY SUBSEQUENT TO LAWFUL PURCHASE OUTSIDE MUNICIPAL BOUNDARIES, FOR LATER LAWFUL DISCHARGE WITHIN THE MUNICIPALITY, AS EVIDENCED BY MOTOR VEHICLE LOCATION AND A VALID RECEIPT SHOWING DATE, TIME, AND PLACE OF PURCHASE; OR~~

~~ii. THE DIRECT PERSONAL TRANSPORT BY MOTOR VEHICLE IS WITHIN THE 24 HOUR PERIOD IMMEDIATELY PRECEDING THE PERIOD OF LAWFUL DISCHARGE WITHIN MUNICIPAL BOUNDARIES, AS EVIDENCED BY MOTOR VEHICLE LOCATION AND A VALID RECEIPT SHOWING PLACE OF PURCHASE.~~

~~iii.] Fireworks left in any motor vehicle subject to police-authorized tow or impound may be confiscated for public safety disposal.~~

4. Reserved.

5. Fireworks shall only be used during the 3-hour period beginning 10:00 [9:30] p.m. Alaska Standard Time on December 31 and ending 1:00 a.m. Alaska Standard Time on January 1.

6. For purposes of this section, *use* means the handling, ignition or operation of fireworks and, when considering area restrictions in subsection 3, includes the location where the firework comes to rest after ignition or operation.

7. This ordinance does not prohibit the adoption of more restrictive regulation of fireworks by rule, covenant, homeowner association

mean any parcel or adjacent parcels of land in the same ownership which are managed for occupancy by more than two mobile homes.

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7. This ordinance does not prohibit the adoption of more restrictive regulation of fireworks by rule, covenant, homeowner association

agreement, subdivision agreement, lease agreement or other such provision, enforceable by law.

- C. It is unlawful within the Municipality 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 fireworks within the Municipality of Anchorage. Possession or use of fireworks is regulated under AMC 8.75.040."
- D. Any person using fireworks shall clean up and lawfully dispose of the debris within 12 hours after use of the fireworks.
- E. Violation of this section shall be punished by a fine of not more than \$500.00.
- F. 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; AO 2010-86(S), §1, 12-07-10; AO 2011-117, §1, 12-13-11; AO 2011-121, §1, 12-13-11.)

**Section 3.** Section 1 of this ordinance, to submit the ballot proposition to qualified voters of the Municipality of Anchorage at the regular election on April 3, 2012, shall become effective immediately upon passage and approval by the Assembly.

**Section 4.** The ballot proposition and Section 2 of this ordinance shall become effective without a sunset date on the ordinance, upon certification of voter approval in the regular election of April 3, 2012; the sunset date in AO 2010-86(S) and AO 2011-121 is nullified; and no further action by the Assembly is required to implement the ordinance.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk