

Presented by:
Presented:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-03 vCOW1

An Ordinance Regulating Fireworks and Providing for a Penalty.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Title. Title 36, Health and Sanitation, is amended by adding a new chapter to read:

36.80 Firework Control Code

36.80.010 Fireworks Control

(a) This chapter shall be known as the fireworks control code.

(b) The intent of this chapter is to comprehensively regulate the use, possession, and sale of fireworks despite any contradictory provision of Title 19. Storage of fireworks is still governed by Title 19. Pursuant to Title 19, the Fire Chief may still prohibit or restrict the use of all fireworks at any time due to increased fire danger or any other reasons which may create a significant increased risk to public health and safety.

36.80.020 Fireworks Prohibition and Exceptions

(a) General Prohibition. Except as specifically provided below, the use of a firework is prohibited within the City & Borough of Juneau.

(b) Exceptions.

(1) Personal Use for New Year's Day and Fourth of July. A person over the age of eighteen may use nonconcussive saleable fireworks for personal use, on private property with the permission of the property owner or on designated public property, and only during the following times for New Year's and Fourth of July:

New Year's	
December 31	10:00 am – midnight (14 hours)
January 1	Midnight – 1:00 am (1 hour)
Fourth of July	
July 3	10:00 am – midnight (14 hours)
July 4	Midnight – 1:00 am (1 hour), and 10:00 am – 11:59 pm (14 hours)

(2) Person Use Outside of the Fire Service Area. A person over the age of eighteen may use saleable fireworks for personal use outside of the fire service area as defined by CBJC 01.30.100 and only between 10:00 am and 10:00 pm (12 hours).

(3) Public Use. A person or entity holding a valid firework use permit issued by the City & Borough of Juneau, or State or federal agency with jurisdiction, may provide a public display of fireworks consistent with the permit.

(4) Official Use. Employees, contractors, and permittees of the City & Borough of Juneau, State, or any federal agency may use fireworks in the interest of public safety or wildlife control, including at the solid waste facility and the Juneau International Airport.

(c) Violations. A violation of this section is an infraction.

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2 **36.80.030 Fireworks Use Permit**

3 (a) The Fire Chief, or designee, may issue a pyrotechnic permit for public fireworks displays,
4 provided the following conditions are satisfied:

5 (1) Dates, times, and location of the proposed display(s); and

6 (2) That all required state licenses or certificates have been procured; and

7 (3) That a policy or certified true copy of a policy of public liability insurance and products
8 liability insurance coverage provided by the applicant or his or her employer has been filed with
9 the City & Borough of Juneau Risk Manager, which provides for both accident and occurrence
10 coverage in the amount of at least one million dollars for bodily injury and death and at least
11 five hundred thousand dollars for property damage; and
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13 (4) That the fireworks display is to be conducted by a State of Alaska licensed pyrotechnic
14 operator; and

15 (5) That the permit expires no longer than thirty days from the date of issuance.

16 (b) Upon receipt of an application for a fireworks use permit, the Fire Chief shall review the
17 application for completeness and send the application out for agency review, including to the
18 Juneau Police Department, CBJ Risk Manager, CBJ Manager's Office, and to the State Fire
19 Marshal. The agency review should occur within two weeks. Upon the Fire Chief's
20 determination that the application is complete, in consideration of the agency comments, the
21 Fire Chief may approve the application, approve the application with conditions, or deny the
22 application. If the Fire Chief imposes conditions or denies the application, the Fire Chief should
23 articulate what public health, safety, or welfare reasons support the denial or imposition of
24 conditions.
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2 **36.80.040 Sale of Fireworks**

3 (a) Prohibition. The sale of fireworks, expose fireworks for sale, offer to sell, or possess with
4 intent to sell fireworks is prohibited within the City & Borough of Juneau.

5 (b) Violation. A violation of this section is a Class B misdemeanor.
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8 **36.80.050 Possession of Fireworks**

9 (a) Except as pursuant to a valid permit, or similar authorization, by the City & Borough of
10 Juneau, State, or federal agency, a person must not possess more than 25 gross pounds of
11 saleable fireworks. The gross weight of fireworks includes the combined weight of each
12 individual firework.

13 (b) Except as pursuant to a valid permit, or similar authorization, issued by the City & Borough
14 of Juneau, State, or federal agency, a person must not possess dangerous fireworks.

15 (b) Violation. A violation of this section is an infraction.
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18 **36.80.060 Miscellaneous Fireworks Provisions.**

19 (a) It is unlawful for any person under the influence of any alcohol, marijuana, or an illegal
20 drug to use a firework.

21 (b) It is unlawful for any person to use or attempt to use a firework in any manner that could
22 reasonably cause harm to life or property.

23 (c) Violation. A violation of this section is an infraction.
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2 **36.80.070 Definitions**

3 For the purposes of this chapter, the following definitions apply:

4 *Firework* means a nonconcussive saleable firework, saleable firework, or dangerous firework.
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6 *Dangerous firework* means all fireworks that are not defined as a nonconcussive saleable
7 firework or a saleable firework.
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10 *Display* means the result of igniting, detonating, or explosion of a firework.
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12 *Nonconcussive saleable firework* means and be limited to the following:

13 (A) reserved;

14 (B) reserved;

15 (C) reserved;

16 (D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in
17 weight, and the inside tube diameter not to exceed $\frac{3}{4}$ inch;

18 (E) cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;
19

20 (F) wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240
21 grams for each complete wheel, and the inside tube diameter of driver units not to exceed
22 $\frac{1}{2}$ inch;

23 (G) illuminating torches and colored fire in any form, total pyrotechnic composition not to
24 exceed 100 grams each in weight;
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(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) reserved;

(J) reserved;

(K) novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.

Public display means to use, ignite, detonate or explode fireworks on public property or intended for a public audience.

Saleable firework means a 1.4 G firework, as defined by the National Fire Protection Association, 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 $\frac{3}{8}$ inch;

(B) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed $\frac{1}{2}$ 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 $\frac{1}{2}$ inch;

(D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed $\frac{3}{4}$ inch;

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- 2 (E) cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;
- 3 (F) wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240
- 4 grams for each complete wheel, and the inside tube diameter of driver units not to exceed
- 5 $\frac{1}{2}$ inch;
- 6 (G) illuminating torches and colored fire in any form, total pyrotechnic composition not to
- 7 exceed 100 grams each in weight;
- 8 (H) dipped sticks, the pyrotechnic composition of which contains chlorate or perchlorate,
- 9 that do not exceed five grams, and sparklers, the composition of which does not exceed 100
- 10 grams each and that contains no magnesium or magnesium and a chlorate or perchlorate;
- 11 (I) mines and shells of which the mortar is an integral part, total pyrotechnic composition
- 12 not to exceed 40 grams each in weight;
- 13 (J) firecrackers with soft casings, the external dimensions of which do not exceed one and
- 14 one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not
- 15 to exceed two grains each in weight;
- 16 (K) novelties consisting of two or more devices enumerated in this paragraph when
- 17 approved by the Bureau of Explosives.
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21 *State licensed pyrotechnic operator* means an individual who has been licensed by the Alaska

22 Department of Public Safety, Fire and Life Safety Division.

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24 *Use of a firework or use firework* means to ignite or attempt to ignite a firework.

25 (reference A.S. 18.72.100)

Section 3. Amendment of Section. Section 03.30.053, Health and Sanitation fine schedule, is amended by adding the following:

CBJC	Offense	No. of Offense	Fine
36.80.020(a)	Use of firework	1 st	\$500
		2 nd and subseq.	\$500 and MCA
36.80.050(a) & (b)	Possession of fireworks	1 st	\$500
		2 nd and subseq.	\$500 and MCA
36.80.060(a)	Use of fireworks under influence	1 st	\$500
		2 nd and subseq.	\$500 and MCA
36.80.060(b)	Negligent use of fireworks	1 st	\$500
		2 nd and subseq.	\$500 and MCA

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk