

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

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2021-03 vCOW3**

**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. Title 19 shall govern the storage of fireworks. 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.

[State law reference, A.S. 18.72.060]

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2 **36.80.020 Fireworks prohibition and exceptions.**

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

5 (b) Exceptions.

6 (1) Concussive Fireworks. A person may use concussive fireworks for personal use  
7 when all three conditions are met: (i) on private property with the permission of the property  
8 owner or on designated public property, (ii) outside the fire service area, and (iii) only on New  
9 Year's and Fourth of July as defined by this chapter.  
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11 (2) Holiday Fireworks. A person may use holiday fireworks on private property with  
12 the permission of the property owner or on designated public property (i) inside the fire service  
13 area only on New Year's and Fourth of July as defined by this chapter; or (ii) outside the fire  
14 service area year-round from 10:00 AM to 10:00 PM.

15 (3) Allowable Fireworks. A person may use allowable fireworks on private property  
16 with the permission of the property owner or on designated public property (i) on New Year's  
17 and Fourth of July as defined by this chapter, or (ii) year-round from 10:00 AM to 10:00 PM.  
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19 (4) Year-round Outside the Roded Service Area. A person may use concussive,  
20 holiday, and allowable fireworks for personal use on private property with the permission of the  
21 property owner or on designated public property outside the roded service area.

22 (5) Public Display. A person or entity holding a valid firework display permit issued by  
23 the City and Borough of Juneau and the State may provide a public display of fireworks  
24 consistent with the permit.  
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2 (6) Official Use. Employees, contractors, and permittees of the City and Borough of  
3 Juneau, State, or any federal agency may use fireworks in the interest of public safety or  
4 wildlife control, including at the solid waste facility and the Juneau International Airport.

5 (c) Violations. A violation of this section is an infraction.  
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8 **36.80.030 City and Borough of Juneau fireworks display permit.**

9 (a) The fire chief, or designee, may issue a pyrotechnic permit for public fireworks displays,  
10 provided the following conditions are satisfied:

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

12 (2) That all required state licenses or permits have been procured (e.g. State of Alaska  
13 Fireworks Display Permit); and

14 (3) That a policy or certified true copy of a policy of public liability insurance and  
15 products liability insurance coverage provided by the applicant or his or her employer has been  
16 filed with the City and Borough of Juneau Risk Manager, which provides for both accident and  
17 occurrence coverage in the amount of at least one million dollars for bodily injury and death and  
18 at least five hundred thousand dollars for property damage; and

19 (4) That the fireworks display is to be conducted by a State of Alaska licensed  
20 pyrotechnic operator; and

21 (5) That the CBJ fireworks display permit expires no longer than thirty days from the  
22 date of issuance.

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24 (b) Upon receipt of an application for a CBJ fireworks display permit, the fire chief shall  
25 review the application for completeness and send the application out for agency review,  
including to the Juneau Police Department, CBJ Risk Manager, CBJ Manager's Office, and to

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2 the State fire marshal. The agency review should occur within two weeks. Upon the fire chief's  
3 determination that the application is complete, in consideration of the agency comments, the  
4 fire chief may approve the application, approve the application with conditions, or deny the  
5 application. If the fire chief imposes conditions or denies the application, the fire chief must  
6 articulate what public health, safety, or welfare reasons support the denial or imposition of  
7 conditions.  
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10 **36.80.040 Sale of fireworks.**

11 (a) Prohibition. The sale of fireworks, display of fireworks for sale, offer to sell, or possess with  
12 intent to sell fireworks is prohibited

13 (1) within the fire service area;

14 (2) outside of the fire service area unless authorized by a retail firework permit from  
15 the City and Borough of Juneau. A government vendor, including a federally recognized tribal  
16 government, is exempt from the permit requirement.

17 (b) Violation. A violation of this section is a Class B misdemeanor.  
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20 **36.80.045 City and Borough of Juneau retail firework permit.**

21 (a) A person may sell or offer for sale fireworks when all of the conditions are satisfied:

22 (1) The retail store is located outside the fire service area;

23 (2) The vendor has received a retail firework permit from the State of Alaska;

24 (3) The fire chief approves and issues a CBJ retail firework permit;

25 (4) Only saleable fireworks are sold or offered for sale;

(5) The Juneau area fire danger is low or moderate; and

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2 (6) The vendor confirms each buyer is 18 year of age or older. A vendor is prohibited  
3 from giving fireworks to a person under 18 year of age.

4 (b) Fire Chief Review. Upon receipt of an application for a CBJ retail fireworks permit, the  
5 fire chief shall review the application for completeness. The application must include the same  
6 information submitted to the State of Alaska for an A.S. 18.72.020 permit. The fire chief's  
7 review should occur within two weeks. The fire chief may approve the application, approve the  
8 application with conditions, or deny the application. If the fire chief imposes conditions or  
9 denies the application, the fire chief must articulate what public health, safety, or welfare  
10 reasons support the denial or imposition of conditions. An applicant aggrieved by a decision of  
11 the fire chief may appeal to the manager whose decision shall constitute final agency action.

12 (c) Duration. A CBJ retail firework permit shall expire 12 months from the date the fire chief  
13 issues it. The fire chief may temporarily revoke a CBJ retail firework permit upon notice to the  
14 applicant that fire danger conditions are high, very high, or extreme. The fire chief may also  
15 revoke a CBJ retail firework permit upon violation of a condition of the permit, violation of this  
16 chapter, violation of A.S. 18.72, or violation of Title 19.

17 [State law reference A.S. 18.72.010—020]  
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21 **36.80.050 Possession of fireworks.**

22 (a) Possession of Saleable Fireworks. Except as pursuant to a valid permit, or similar  
23 authorization, by the City and Borough of Juneau, State, or federal agency, a person must not  
24 possess more than 75 gross pounds of saleable fireworks. The gross weight of fireworks includes  
25 the combined weight of each individual firework. All fireworks must be stored and transported  
consistent with Title 19, State, and federal law.

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2 (b) Possession of Dangerous Fireworks. Except as pursuant to a valid permit, or similar  
3 authorization, issued by the City and Borough of Juneau, State, or federal agency, a person  
4 must not possess dangerous fireworks.

5 (c) Commercial Transportation. Consistent with federal and state law, a contract or common  
6 carrier may transport saleable fireworks in excess of the amount listed in subsection (a).  
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8 (d) Violation. A violation of this section is an infraction.

9 [Federal law reference 18 U.S.C. 836]  
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11 **36.80.060 Miscellaneous fireworks provisions.**

12 (a) It is unlawful for any person under the influence of any alcoholic beverage, intoxicating  
13 liquor, marijuana, controlled substance as defined in AS 28.33.190, or illegal drug to use a  
14 firework. In addition to other indicators, a person is under the influence of alcohol if a chemical  
15 test determines that at the time the test is administered, there is 0.08 percent or more, by  
16 weight, of alcohol in the person's blood or 80 milligrams or more of alcohol per 100 milliliters of  
17 blood, or when there is 0.08 grams or more of alcohol per 210 liters of the person's breath.  
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19 (b) It is unlawful for any person to use or attempt to use a firework in any manner that could  
20 reasonably cause harm to life or property.

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

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

25 *Allowable firework* means a saleable firework and limited to the following:

(A) Reserved;

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2 (B) Reserved;

3 (C) Reserved;

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

6 (E) Cone fountains, total pyrotechnic composition not to exceed 50 grams each in  
7 weight;

8 (F) Wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or  
9 240 grams for each complete wheel, and the inside tube diameter of driver units not to  
10 exceed  $\frac{1}{2}$  inch;

11 (G) Illuminating torches and colored fire in any form, total pyrotechnic composition not  
12 to exceed 100 grams each in weight;

13 (H) Dipped sticks, the pyrotechnic composition of which contains chlorate or  
14 perchlorate, that do not exceed five grams, and sparklers, the composition of which does  
15 not exceed 100 grams each and that contains no magnesium or magnesium and a  
16 chlorate or perchlorate;

17 (I) Reserved;

18 (J) Reserved;

19 (K) Novelties consisting of two or more devices enumerated in this paragraph when  
20 approved by the Bureau of Explosives.  
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24 *Concussive firework* means a saleable firework (i) that has an inside tube diameter greater than  
25  $\frac{3}{4}$  inch or (ii) that is a mine and shell of which the mortar is an integral part.

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2 *Dangerous firework* means all fireworks that are not defined as a saleable firework.

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4 *Designated public property means* publicly owned property or publically controlled property (i.e.  
5 lease, right-of-way) in which the government, governing board, agency, department, or person  
6 with authority specifically identifies as eligible for use of fireworks.  
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9 *Display* means the result of igniting, detonating, or explosion of a firework.

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11 *Fire service area* means the area as defined by CBJC 01.30.100.

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13 *Firework* means a saleable (concussive, holiday, or allowable) firework or a dangerous firework.

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15 *Holiday firework* means a saleable firework and limited to the following:

16 (A) Roman candles, not exceeding 10 balls spaced uniformly in the tube, total  
17 pyrotechnic composition not to exceed 20 grams each in weight, any inside tube  
18 diameter not to exceed  $\frac{3}{8}$  inch;

19 (B) Skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each  
20 in weight, and the inside tube diameter not to exceed  $\frac{1}{2}$  inch, with the rocket sticks  
21 being securely fastened to the tubes;

22 (C) Helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each  
23 in weight, and the inside tube diameter not to exceed  $\frac{1}{2}$  inch;

24 (D) Reserved;

25 (E) Reserved;



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2 (F) Reserved;

3 (G) Reserved;

4 (H) Reserved;

5 (I) Reserved;

6 (J) Firecrackers with soft casings, the external dimensions of which do not exceed one  
7 and one-half inches in length or one-quarter inch in diameter, total pyrotechnic  
8 composition not to exceed two grains each in weight;

9 (K) Reserved.  
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12 New Year's and Fourth of July are defined as follows:

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

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

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22 *Roaded service area* means the area defined by CBJC 1.30.320.

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25 *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:

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2 (A) Roman candles, not exceeding 10 balls spaced uniformly in the tube, total  
3 pyrotechnic composition not to exceed 20 grams each in weight, any inside tube  
4 diameter not to exceed  $\frac{3}{8}$  inch;

5 (B) Skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each  
6 in weight, and the inside tube diameter not to exceed  $\frac{1}{2}$  inch, with the rocket sticks  
7 being securely fastened to the tubes;

8 (C) Helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each  
9 in weight, and the inside tube diameter not to exceed  $\frac{1}{2}$  inch;

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

12 (E) Cone fountains, total pyrotechnic composition not to exceed 50 grams each in  
13 weight;

14 (F) Wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or  
15 240 grams for each complete wheel, and the inside tube diameter of driver units not to  
16 exceed  $\frac{1}{2}$  inch;

17 (G) Illuminating torches and colored fire in any form, total pyrotechnic composition not  
18 to exceed 100 grams each in weight;

19 (H) Dipped sticks, the pyrotechnic composition of which contains chlorate or  
20 perchlorate, that do not exceed five grams, and sparklers, the composition of which does  
21 not exceed 100 grams each and that contains no magnesium or magnesium and a  
22 chlorate or perchlorate;

23 (I) Mines and shells of which the mortar is an integral part, total pyrotechnic  
24 composition not to exceed 40 grams each in weight;

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- 2 (J) Firecrackers with soft casings, the external dimensions of which do not exceed one
- 3 and one-half inches in length or one-quarter inch in diameter, total pyrotechnic
- 4 composition not to exceed two grains each in weight;
- 5 (K) Novelties consisting of two or more devices enumerated in this paragraph when
- 6 approved by the Bureau of Explosives.
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9 *State licensed pyrotechnic operator* means an individual who has been licensed by the Alaska

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

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12 *Use of a firework or use firework* means to ignite, discharge, or attempt to ignite a firework.

13 [State law reference, A.S. 18.72.100]

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15 **Section 3. Amendment of Section. Section 03.30.053, Health and Sanitation fine**

16 **schedule, is amended by adding the following:**

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| CBJC                 | Offense                          | No. of Offense              | Fine          |
|----------------------|----------------------------------|-----------------------------|---------------|
| 36.80.020(a)         | Use of firework                  | 1 <sup>st</sup>             | \$250         |
|                      |                                  | 2 <sup>nd</sup> and subseq. | \$500 and MCA |
| 36.80.050(a) and (b) | Possession of fireworks          | 1 <sup>st</sup>             | \$250         |
|                      |                                  | 2 <sup>nd</sup> and subseq. | \$500 and MCA |
| 36.80.060(a)         | Use of fireworks under influence | 1 <sup>st</sup>             | \$250         |
|                      |                                  | 2 <sup>nd</sup> and subseq. | \$500 and MCA |
| 36.80.060(b)         | Negligent use of fireworks       | 1 <sup>st</sup>             | \$250         |
|                      |                                  | 2 <sup>nd</sup> and subseq. | \$500 and MCA |

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**Section 4. Amendment of Section.** CBJC 67.01.090, Prohibited uses, is amended by adding the following:

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(m) Fireworks. Except for an area specifically designated for use of fireworks by the Assembly, use of a firework is prohibited within the limits of any area designated in section 67.01.030. Firework and use of firework have the same meanings as in CBJC 36.80.070. The Assembly, by resolution, may designate any area designated in section 67.01.030 for use of fireworks during specific times.

**Section 5. 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