

Presented by: COW
Presented: 05/12/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-03

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 FIREWORKS 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]

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 and Borough of Juneau.
- (b) Exceptions.
 - (1) Concussive Fireworks. A person may use concussive fireworks for personal use when all three conditions are met: (i) on private property with the permission of the property owner or on designated public property, (ii) outside the fire service area, and (iii) only on New Year's and Fourth of July as defined by this chapter.

(2) Holiday Fireworks. A person may use holiday fireworks on private property with the permission of the property owner or on designated public property (i) inside the fire service area only on New Year's and Fourth of July as defined by this chapter; or (ii) outside the fire service area year-round from 10:00 AM to 10:00 PM.

(3) Allowable Fireworks. A person may use allowable fireworks on private property with the permission of the property owner or on designated public property (i) on New Year's and Fourth of July as defined by this chapter, or (ii) year-round from 10:00 AM to 10:00 PM.

(4) Year-round Outside the Road Service Area. A person may use concussive, holiday, and allowable fireworks for personal use on private property with the permission of the property owner or on designated public property outside the road service area.

(5) Public Display. A person or entity holding a valid firework display permit issued by the City and Borough of Juneau and the State may provide a public display of fireworks consistent with the permit.

(6) Official Use. Employees, contractors, and permittees of the City and 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.

36.80.030 City and Borough of Juneau fireworks display permit.

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

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

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

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

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

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

(b) Upon receipt of an application for a CBJ fireworks display permit, the fire chief shall 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 the State fire marshal. The agency review should occur within two weeks. Upon the fire chief's determination that the application is complete, in consideration of the agency comments, the fire chief may approve the application, approve the application with conditions, or deny the application. If the fire chief imposes conditions or denies the application, the fire chief must articulate what public health, safety, or welfare reasons support the denial or imposition of conditions.

36.80.040 Sale of fireworks.

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

(1) within the fire service area;

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

(b) Violation. A violation of this section is a Class B misdemeanor.

36.80.045 City and Borough of Juneau retail firework permit.

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

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

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

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

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

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

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

(b) Fire Chief Review. Upon receipt of an application for a CBJ retail fireworks permit, the fire chief shall review the application for completeness. The application must include the same information submitted to the State of Alaska for an A.S. 18.72.020 permit. The fire chief's review should occur within two weeks. The fire chief may approve the application, approve the application with conditions, or deny the application. If the fire chief imposes conditions or denies the application, the fire chief must articulate what public health, safety, or welfare reasons support the denial or

imposition of conditions. An applicant aggrieved by a decision of the fire chief may appeal to the manager whose decision shall constitute final agency action.

(c) Duration. A CBJ retail firework permit shall expire 12 months from the date the fire chief issues it. The fire chief may temporarily revoke a CBJ retail firework permit upon notice to the applicant that fire danger conditions are high, very high, or extreme. The fire chief may also revoke a CBJ retail firework permit upon violation of a condition of the permit, violation of this chapter, violation of A.S. 18.72, or violation of Title 19.
[State law reference A.S. 18.72.010—020]

36.80.050 Possession of fireworks.

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

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

(c) Commercial Transportation. Consistent with federal and state law, a contract or common carrier may transport saleable fireworks in excess of the amount listed in subsection (a).

(d) Violation. A violation of this section is an infraction.
[Federal law reference 18 U.S.C. 836]

36.80.060 Miscellaneous fireworks provisions.

(a) It is unlawful for any person under the influence of any alcoholic beverage, intoxicating liquor, marijuana, controlled substance as defined in AS 28.33.190, or illegal drug to use a firework. In addition to other indicators, a person is under the influence of alcohol if a chemical test determines that at the time the test is administered, there is 0.08 percent or more, by weight, of alcohol in the person's blood or 80 milligrams or more of alcohol per 100 milliliters of blood, or when there is 0.08 grams or more of alcohol per 210 liters of the person's breath.

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

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

36.80.070 Definitions.

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

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

- (A) Reserved;
- (B) Reserved;
- (C) Reserved;
- (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;
- (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 $\frac{1}{2}$ 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) Reserved;
- (J) Reserved;
- (K) Novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.

Concussive firework means a saleable firework (i) that has an inside tube diameter greater than $\frac{3}{4}$ inch or (ii) that is a mine and shell of which the mortar is an integral part.

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

Designated public property means publicly owned property or publically controlled property (i.e. lease, right-of-way) in which the government, governing board, agency, department, or person with authority specifically identifies as eligible for use of fireworks.

Display means the result of igniting, detonating, or explosion of a firework.

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

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

Holiday firework means a saleable firework and 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) Reserved;
- (E) Reserved;
- (F) Reserved;
- (G) Reserved;
- (H) Reserved;
- (I) Reserved;
- (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) Reserved.

New Year's and Fourth of July are defined as follows:

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

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

Roaded service area means the area defined by CBJC 1.30.320.

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;
- (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 $\frac{1}{2}$ 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.

State licensed pyrotechnic operator means an individual who has been licensed by the Alaska Department of Public Safety, Fire and Life Safety Division.

Use of a firework or use firework means to ignite, discharge, or attempt to ignite a firework. [State law 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	\$250
		2 nd and subseq.	\$500 and MCA
36.80.050(a) and (b)	Possession of fireworks	1 st	\$250
		2 nd and subseq.	\$500 and MCA
36.80.060(a)	Use of fireworks under influence	1 st	\$250
		2 nd and subseq.	\$500 and MCA
36.80.060(b)	Negligent use of fireworks	1 st	\$250
		2 nd and subseq.	\$500 and MCA

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

...

(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.

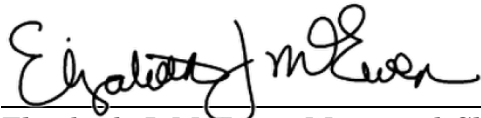
Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 24th day of May, 2021.





Beth A. Weldon, Mayor

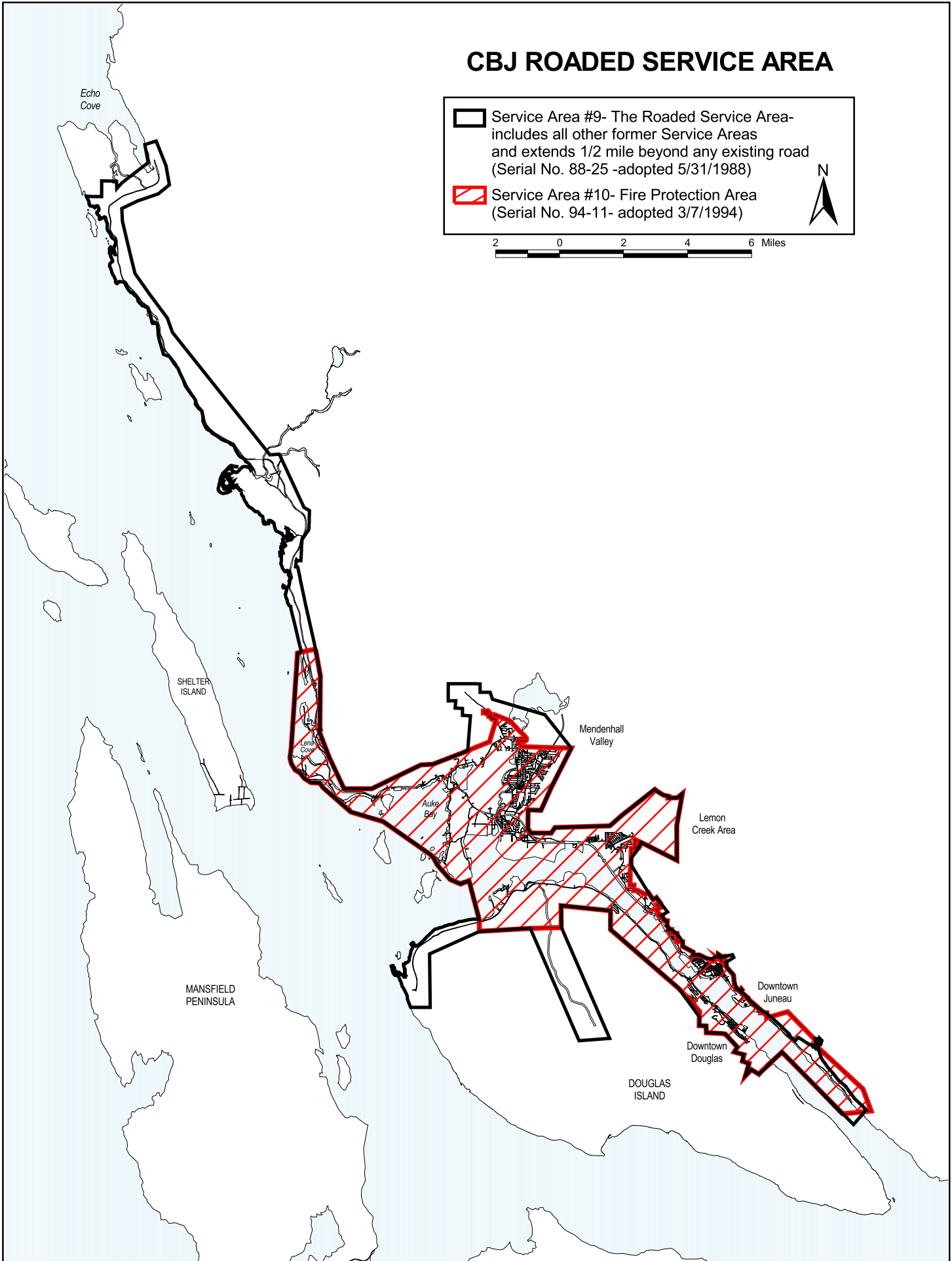
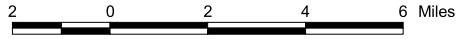
Attest:



Elizabeth J. McEwen, Municipal Clerk

CBJ ROADED SERVICE AREA

-  Service Area #9- The Roaded Service Area- includes all other former Service Areas and extends 1/2 mile beyond any existing road (Serial No. 88-25 -adopted 5/31/1988)
-  Service Area #10- Fire Protection Area (Serial No. 94-11- adopted 3/7/1994)



The following reflects the changes made at the Assembly COW on April 12, 2021 to Ord. 2021-03. FSA means Fire Service Area.

Saleable Class of Firework	CBJC 36.80.070 Category	CBJC 36.80.020 Restrictions	Existing Fireworks Policy
Mines and shells (mortars) and tubes > 3/4")	Concussive Firework	<ul style="list-style-type: none"> • Inside FSA: prohibited • Outside FSA: Allowed only Jan. 1 and July 4 	<ul style="list-style-type: none"> • Inside FSA: allowed Jan 1 and July 4 • Past Cohen Drive: allowed year-round, 10am to 10pm
Roman candle	Holiday Firework	<ul style="list-style-type: none"> • Inside FSA: Allowed Jan. 1 and July 4 • Outside FSA: Allowed year-round 10am to 10 pm 	<ul style="list-style-type: none"> • Inside FSA: allowed Jan 1 and July 4 • Past Cohen Drive: allowed year-round, 10am to 10pm
Skyrockets with sticks	Holiday Firework		
Helicopter rockets	Holiday Firework		
Firecrackers with soft casing	Holiday Firework		
Cylindrical fountain	Allowable Firework	<ul style="list-style-type: none"> • Allowed year round, 10 am to 10 pm • Expanded hours around Jan. 1 and July 4 	<ul style="list-style-type: none"> • Allowed Year-round, anytime anywhere
Cone fountain	Allowable Firework		
Wheels	Allowable Firework		
Illuminating torches	Allowable Firework		
Dipped sticks	Allowable Firework		
Novelties	Allowable Firework		

FIREWORKS

use guidelines

IN THE CITY & BOROUGH OF JUNEAU

TYPE OF FIREWORK		WHEN TO USE	WHERE TO USE
CONCUSSIVE FIREWORKS	Mines and shells (mortars) and tubes larger than 3/4"	Dec. 31 10am-midnight Jan. 1 Midnight-1am & 10am-11:59pm July 3 10am-midnight July 4 Midnight-1am & 10am-11:59pm	On private property located outside the Fire Service Area*
HOLIDAY FIREWORKS	Roman candles, Skyrockets with sticks, Helicopter rockets, Firecrackers with soft casings	Year-round from 10am-10pm	On private property located outside the Fire Service Area*
		Dec. 31 10am-midnight Jan. 1 Midnight-1am & 10am-11:59pm July 3 10am-midnight July 4 Midnight-1am & 10am-11:59pm	On private property
ALLOWABLE FIREWORKS	Cylindrical fountain, Cone fountain, Wheels, Illuminating torches, Dipped sticks, Novelties	Year-round from 10am-10pm Dec. 31 10am-midnight Jan. 1 Midnight-1am & 10am-11:59pm July 3 10am-midnight July 4 Midnight-1am & 10am-11:59pm	On private property



***Fire Service Area** extends from the end of Thane Road to Cohen Drive; out to the North Douglas boat launch and up to the houses on Fish Creek Road; out to the end of Sandy Beach on Douglas; all of Lemon Creek; and all of the Mendenhall Valley.

VIOLATION OF THESE RULES ARE SUBJECT TO A \$250 FINE.

