

CITY AND BOROUGH OF SITKA  
ORDINANCE NO. 2017-27

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL  
CODE CHAPTER 10.24 ENTITLED "FIREWORKS" BY ADDING EXCEPTIONS TO SECTION  
10.24.040 "EXCEPTIONS FOR AUTHORIZED DISPLAYS", ADDITIONAL DEFINITIONS TO  
SECTION 10.24.060 "FIREWORKS DEFINED", AND A NEW SECTION 10.24.070  
"PENALTIES"

- 1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
- 2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.
- 3. **PURPOSE.** The purpose of this ordinance is to add to the existing fireworks control ordinance exceptions for limited private use of fireworks, add additional definitions, and create penalties for violation.
- 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Chapter 10.24 "Fireworks" is amended by adding exceptions for limited private use of fireworks to Section 10.24.040 "Exceptions for private use and authorized public displays", adding definitions to Section 10.24.060 "Fireworks Defined", and adding a new section for penalties for violations, Section 10.24.070 "Penalties" (new language underlined; deleted language stricken):

**Chapter 10.24  
FIREWORKS**

Sections:

- 10.24.010 Title.
- 10.24.020 Prohibition on sale.
- 10.24.030 Prohibition on use.
- 10.24.040 Exceptions for private use and authorized public displays.
- 10.24.050 Permissible sales and uses.
- 10.24.060 Fireworks defined.
- 10.24.070 Penalties

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**10.24.010 Title.**

This chapter shall be known and cited as the "fireworks control ordinance of the city and borough."

45 **10.24.020 Prohibition on sale.**

46 It is unlawful for any person, business, corporation, association, club or organization to  
47 sell, expose for sale, or offer for sale any fireworks within the corporate limits of the city  
48 and borough.

49 **10.24.030 Prohibition on use.**

50 It is unlawful for any person, business, corporation, association, club or organization to  
51 use or explode any fireworks, except as otherwise provided by this chapter within the  
52 municipal limits of the city and borough.

53 **10.24.040 Exceptions for private use and authorized public displays.**

54 A. It is lawful to use and explode 1.4G Explosives (Consumer Fireworks) within the  
55 following dates and times each year:

56 December 31 at 4PM to January 1 at 1AM

57 July 3 from 4PM to July 4 at 1AM

58 July 4 at 4PM to July 5 at 1AM

59  
60 It is lawful to use and explode 1.3 G Explosives (Display Fireworks), including mortars,  
61 within the above stated dates and times each year if a permit is obtained from the  
62 appropriate city and state official pursuant to subsection B.

63  
64 No fireworks of any classification may be used and exploded within 200 feet of any tank  
65 farm which contains any petroleum product.

66  
67 The Chief of the Municipal Fire Department may issue a ban on all fireworks at any time  
68 due to heightened risk of fire.

69  
70 AB. Fireworks may be used for public displays by municipalities, fair associations,  
71 amusement parks and other organizations or groups of individuals, provided that:

72 1. A permit is obtained from the administrator or any employee designated by  
73 him; and

74 2. A permit is obtained from the appropriate state official, if required by state  
75 law; and,

76 23. A bond is filed with the city and borough in the amount of at least five  
77 hundred dollars to ensure payment of all damages to persons or property caused  
78 by the display. The bond requirement will not be operative if the holder of the  
79 permit has in effect an insurance policy which accomplishes the same purpose  
80 as the bond.

81 BC. No permit is transferable.

82 **10.24.050 Permissible sales and uses.**

83 Nothing in this chapter shall be construed to prohibit:

- 84 A. Any resident wholesaler, dealer, or jobber from selling at wholesale those  
85 fireworks which are not prohibited in this chapter;
- 86 B. The sale of any kind of fireworks if the fireworks are to be shipped directly from  
87 the state in accordance with regulations 27 CFR Part 555 of the Bureau of  
88 Alcohol, Tobacco, Firearms and Explosives (ATF);
- 89
- 90 C. The use of fireworks by vessels or other transportation agencies for signal  
91 purposes or illumination;
- 92
- 93 D. The use of flashlight composition in normal amounts by photographers or dealers  
94 in photographic supplies;
- 95
- 96 E. The sale or use of blank cartridges for a show or a theater;
- 97
- 98 F. Use of fireworks for signal or ceremonial purposes in athletic events or parades;  
99 and
- 100
- 101 G. Use by military organizations.

102 **10.24.060 Fireworks defined.**

103 A. "Fireworks" includes any combustible or explosive composition or any substance  
104 or combination of substances or article prepared for the purpose of producing a visible  
105 or an audible effect by combustion, explosion, deflagration or detonation, and includes  
106 blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are  
107 used, balloons which require explosive propellant, firecrackers, torpedoes, skyrockets,  
108 Roman candles, Daygo bombs, or other fireworks of like construction, which contain  
109 any explosives or flammable compound, or any tablets or other device containing any  
110 explosive substance, except that the term "fireworks" does not include sparklers, auto  
111 flares, paper caps containing not in excess an average of twenty-five hundredths of a  
112 grain of explosive content per cap manufactured in accordance with the Interstate  
113 Commerce Commission regulations for packing and shipping, as provided therein, and  
114 toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use  
115 of which shall be permitted at all times (AS 18.72.100).

116

117 B. "1.3G Explosives", formerly known as Class B special fireworks and also known  
118 as display fireworks, are large fireworks articles designed to produce visible or audible  
119 effects for entertainment purposes by combustion, deflagration or detonation. The  
120 source of this definition is the American Pyrotechnics Association.

121

122 C. "1.4G Explosives", formerly known as Class C common fireworks and also known  
123 as consumer fireworks, are fireworks that are intended for use by the consumer.

124 Examples are fountains, cones, and firecrackers. The source of this definition is the  
125 American Pyrotechnics Association.

126  
127 D. "Mortar" means a tube from which certain aerial fireworks devices are fired into  
128 the air. The source of this definition is the American Pyrotechnics Association.

129  
130 **10.24.070 Penalties.**  
131 In accordance with AS 29.25.070(a), citations for offenses in this chapter may be  
132 disposed of as provided in AS 12.25.175-.230, without a court appearance, upon  
133 payment of the fine amounts stated herein plus the state surcharge required by AS  
134 12.55.039 and AS 29.25.074. Fines must be paid to the City and Borough of Sitka. The  
135 Alaska Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all  
136 offenses referenced herein. Citations charging these offenses must meet the  
137 requirements of Rule 3 of the Alaska Rules of Minor Offense Procedure. For the first  
138 offense, the fine shall be fifty dollars. For the second offense, the fine shall be one  
139 hundred dollars. For the third offense, the fine shall be two hundred dollars. For any  
140 subsequent offense after three, the defendant must appear in court to answer for the  
141 charges. For any offense after three, the fine shall exceed two hundred dollars and not  
142 exceed five hundred dollars. If a person charged with one of these offenses appears in  
143 court and is found guilty, the penalty imposed for the offense may not exceed the fine  
144 amount for that offense stated herein. These fines may not be judicially reduced. For  
145 purposes of this section, prior offenses must be within the previous five years.

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147 \* \* \*

148 5. **EFFECTIVE DATE.** This Ordinance shall become effective the day after the date of its  
149 passage.

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151 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,  
152 Alaska this 8<sup>th</sup> day of August, 2017.

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156 \_\_\_\_\_  
Matthew Hunter, Mayor

157 ATTEST:  
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159 \_\_\_\_\_  
160 Sara Peterson, CMC  
161 Municipal Clerk

162  
163 1<sup>st</sup> reading 7/25/17  
164 2<sup>nd</sup> reading 8/8/17