

MEMORANDUM


CITY/BOROUGH OF JUNEAU
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DATE: August 15, 2016

TO: CBJ Assembly
Committee of the Whole

FROM: Mila Cosgrove 
Deputy City Manager

SUBJECT: Fireworks Ordinance

Background:

At the July 11, 2016, CBJ Assembly Meeting, the Assembly, in response to community concerns, asked staff to recommend guidelines that could be used to develop an ordinance that would govern the use of fireworks in the community. Staff from JPD, Parks & Recreation, Law, Fire, and the Manager's Office discussed the topic. In reaching a recommendation, staff tried to balance three underlying issues:

- To address the concern of community members who are opposed to fireworks. The primary concern has generally been expressed around noise, frequency, and duration.
- To address the concern of community members who want to continue to celebrate special events with personal fireworks use.
- To provide an ordinance that would address public safety concerns and that the Police Department would have the best chance of enforcing.

Research:

Staff researched Alaska state law as well as ordinances from other communities in Alaska and in the rest of the United States. Here is what we found:

The designation of classes of fireworks is set out in federal law. Fireworks are broken into two distinct categories: Commercial and Salable.

The use of Commercial Fireworks in Alaska requires a state issued permit. The use of salable fireworks in Alaska is not prohibited by state law. Alaska Statute allows municipalities to adopt ordinances that are more restrictive than state law.

Many communities in Alaska prohibit the use of salable fireworks for public safety reasons. Communities that prohibit include: Anchorage, Fairbanks, Sitka, Barrow, Petersburg, Wrangell, Homer, Ketchikan Gateway Borough, Haines and Unalaska. Houston and Kenai allow fireworks.

The Municipality of Anchorage passed a temporary ordinance allowing the use of fireworks for New Year's Eve 2010 and New Year's Day 2011. The ordinance was not extended after significant public feedback about the impact on pets and those suffering from PTSD.

Where salable fireworks use is permissible in other communities, it is common to have such use limited to specific days of the year, times of the day, and type of firework used.

Recommendations:

CBJ should adopt an ordinance that governs the use of fireworks in the following manner:

- Use of Commercial Fireworks is allowable with an applicable State Permit and the authorization of the CBJ City Manager's Office.
- Use of salable fireworks is limited to the following conditions:
 - Only during the following dates: December 31st – January 2nd; July 3rd – July 5th.
 - Fireworks may not be used between the hours of 1:00 am and 7:00 am.
 - Permissible fireworks are limited to the following: Salable fireworks as defined in AS 18.72 except that anything that is designated or intended to rise into the air and explode or detonate in the air or to fly above the ground including Firecrackers, bottle rockets, sky rockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman candles, mine devices, shell devices and aerial devices and aerial shell kits or reloadable tubes are strictly prohibited.
- It shall be a violation of ordinance to possess Commercial grade fireworks as defined in AS 18.72 at any time without a State permit.
- It shall be a violation of ordinance to possess prohibited salable fireworks at any time.
- It shall be a violation of ordinance to possess permitted salable fireworks outside the following time period: December 15th through January 10th, June 15th through July 10th.
- A violation of this ordinance will result in a civil fine of \$300.00