

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
October 31, 2016, 6:00 PM.
Municipal Building - Assembly Chambers**

Assembly Work Session - No Public Testimony Taken

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. **August 29, 2016 Committee of the Whole Minutes**

B. **October 10, 2016 Committee of the Whole**

IV. AGENDA TOPICS

A. Ordinance 2016-30 An Ordinance Amending the Comprehensive Plan by Adopting the Housing Action Plan.

The draft plan is published on the CBJ website at:

<http://www.juneau.org/cddftp/documents/FinalDRAFTReportHAPrev031116.pdf>

B. Fireworks

V. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

MEMORANDUM

CITY/BOROUGH OF JUNEAU

City & Borough Manager's Office
155 S. Seward St., Juneau, Alaska 99801
Mila.Cosgrove@Juneau.Org



Voice (907) 586-5240
Fax (907) 586-5385

DATE: October 31, 2016

TO: CBJ Assembly
Committee of the Whole

FROM: Mila Cosgrove
Deputy City Manager

SUBJECT: Fireworks Public Comment Process

Background:

At the direction of the Committee of the Whole, public meetings were held to gather public input regarding the draft ordinance on fireworks. Two meetings were held: October 19th in Assembly Chambers, and October 24th at the Valley Library.

In all, 47 people attended the two public meetings and 38 people spoke to the issue. The meetings were not recorded but the City Clerk summarized the comments for review by the Assembly. Many individuals attending also provided written comment. In addition, a paper survey was passed out at the meeting and the results were collected for analysis.

The Clerk's office reviewed all written comments received on this topic since July 1, 2016. Ms. Sica reviewed the emails and categorized the general content assuring that individuals who sent multiple emails were only counted once for the purposes of summarizing their position.

Meeting note summaries, written comments, emails and survey results have all been provided to the Assembly.

Summary of Comments:

In all, CBJ received comments from 163 Citizens. Please note that each identified individual is only represented once. Where the same individual provided their opinion on the topic more than once, the Clerk's Office tried to take the latest comment submitted as representative of the individual's current position. The comments can be generally summarized as follows:

Supports a complete ban on fireworks:	68*
Against a ban on fireworks:	45
Believes the Ordinance is a reasonable compromise:	35

Other comments include:

Concerns about regulating possession:	15
Add Winter Solstice as an allowed date:	6
Allow, but ban Aerial fireworks:	8
Designate areas for use, but not in neighborhoods:	9
Regulate by dates and hours:	7

- * Grateful Dogs submitted a petition supporting a complete ban on fireworks that was signed by 67 people. Of those 67 people, 62 names were unique to the petition.

The paper surveys did not have the requirement of listing a name. They were collected at the public meetings so there is a fair amount of cross over opinion from those who testified. The survey provided the following results:

Limit use to December 31st through January 2nd between the hours of 10:00 am and 1:00 am
 Yes = 10 No = 26

Limit use to July 3rd through July 5th between the hours of 10:00 am and 1:00 am
 Yes = 10 No = 26

Limit possession to December 1 through January 3, and June 1 through July 6 of each year
 Yes = 7 No = 31

Allow for a permit outside the normally designated days
 Yes = 10 No = 27

Prohibit the use of Aerial Fireworks:
 Yes = 11 No = 23

Finally, the Parks and Recreation department collected information from Placespeak as part of the Parks and Recreation Advisory Committee process. The results that are provided from that survey were specific to the issue of fireworks use in Parks. There was no attempt to cross references respondents from this survey with the individuals who testified or provided general feedback via the Assembly process.

Prohibit the use of fireworks in Parks:	22
Allow the use of fireworks in Parks with no restrictions:	33
Limit use of fireworks in parks by date and time:	18
Limit use of fireworks by type:	3
Limit use of firework by date, time and type:	33

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Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-38

An Ordinance Relating to 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 Chapter. CBJ 42.20 Offenses Against Public Order, is amended by adding a new section to read:

42.20.096 Fireworks.

(a) Except as provided below or in accordance with a valid license or permit, it shall be unlawful for any person to possess, store, use or explode fireworks, or to allow fireworks to be used or exploded on his or her premises or on premises under his or her control.

(b) The following exceptions shall apply:

(1) It shall be lawful for a person to possess or store salable fireworks between the dates of December 1 through January 3, and June 1 through July 6, of each year.

(2) It shall be lawful for a person to use or explode salable fireworks, or allow salable fireworks to be used or exploded on his or her premises or on premises under his or her control, between the hours of 10:00 a.m. and 1:00 a.m., on December 31 through January 2 and July 3 through July 5, of each year.

1
2 (c) *Salable fireworks* means 1.4 G fireworks, as defined by the National Fire Protection
3 Association, and, more specifically, shall include and be limited to the following:

- 4 (1) roman candles, not exceeding 10 balls spaced uniformly in the tube, total
5 pyrotechnic composition not to exceed 20 grams each in weight, any inside tube diameter
6 not to exceed three-eighths inch;
7
8 (2) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each
9 in weight, and the inside tube diameter not to exceed one-half inch, with the rocket sticks
10 being securely fastened to the tubes;
11
12 (3) helicopter type rockets, total pyrotechnic composition not to exceed 20 grams
13 each in weight, and the inside tube diameter not to exceed one-half inch;
14
15 (4) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each
16 in weight, and the inside tube diameter not to exceed three-quarters inch;
17
18 (5) cone fountains, total pyrotechnic composition not to exceed 50 grams each in
19 weight;
20
21 (6) wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit
22 or 240 grams for each complete wheel, and the inside tube diameter of driver units not to
23 exceed one-half inch;
24
25 (7) illuminating torches and colored fire in any form, total pyrotechnic composition
not to exceed 100 grams each in weight;
26
27 (8) 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;

1
2 (9) mines and shells of which the mortar is an integral part, total pyrotechnic
3 composition not to exceed 40 grams each in weight;

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

7 (11) novelties consisting of two or more devices enumerated in this paragraph when
8 approved by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
9

10 (d) Violation of this section is an infraction and each occurrence of a prohibited act shall
11 constitute a separate violation.

12 **Section 2. Amendment of Section.** Chapter 67.01.090 Prohibited uses, is
13 amended to read:
14

15 **67.01.090 Prohibited uses.**

16 ...

17 (c) *Firearms and other missiles prohibited.* Except as provided by CBJ 42.20.096 with
18 respect to fireworks, no ~~No~~ person shall carry or discharge an air rifle, firearm or slingshot or
19 throw stones or other missiles within the limits of any area designated in section 67.01.030,
20 and no person shall hit a golf ball or launch other missiles within such areas other than in
21 areas designated by the director.
22

23 ...
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Section 3. Amendment of Section. CBJ 03.30.065 Penal code fine schedule, is amended to read:

03.30.065 Penal code fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, the following offense which is amenable to disposition without court appearance may be disposed of upon payment of the fine listed. If a person charged with this offense appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for the offense listed in the following schedule:

PENAL CODE FINE SCHEDULE

CBJ	Offense	No. of Offenses	Fine
42.20.095	Disturbing the peace	Any	\$300.00
<u>42.20.096</u>	<u>Illegal use or possession of fireworks</u>	<u>Any</u>	<u>\$100</u>
42.20.210	Off-site commercial solicitation restricted	1 st	\$150.00
...			

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

Adopted this _____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Rorie Watt, City Manager
Mila Cosgrove, Deputy City Manager

cc: Borough Assembly

FROM: Amy Gurton Mead, Municipal Attorney

DATE: October 17, 2016

SUBJECT: 2016-38 Fireworks ordinance.

At its meeting on October 10, 2016, the Assembly directed me to draft language making three possible amendments to the fireworks ordinance (2016-38) for consideration at the upcoming public meetings. The first amendment (prohibiting aerial fireworks) is located in section one below. The second (eliminate the prohibition against storage and possession) and third amendments (add a permit process) are located in section two below. Those amendments are as follows:

1. Prohibiting Aerial Fireworks

42.20.096 Fireworks.

(a) Except as provided below or in accordance with a valid license or permit, it shall be unlawful for any person to possess, store, use or explode fireworks, or to allow fireworks to be used or exploded on his or her premises or on premises under his or her control.

(b) The following exceptions shall apply:

(1) It shall be lawful for a person to possess or store permissible salable fireworks between the dates of December 1 through January 3, and June 1 through July 6, of each year.

(2) It shall be lawful for a person to use or explode permissible salable fireworks, or allow permissible salable fireworks to be used or exploded on his or her premises or on premises under his or her control, between the hours of 10:00 a.m. and 1:00 a.m., on December 31 through January 2 and July 3 through July 5, of each year.

(c) As used in this section:

(1) *Permissible salable fireworks* means the following non-aerial devices designed to produce audible or visual effects by combustion and that do not rise into the air or fire projectiles into the air:

(A) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed three-quarters inch;

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

- (C) cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;
- (D) 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;
- (E) wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred grams for each complete wheel;
- (F) ground spinner, a small device containing not more than twenty grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;
- (G) any of the following that do not contain more than fifty milligrams of explosive composition:
 - (i) explosive auto alarms;
 - (ii) toy propellant devices;
 - (iii) cigarette loads;
 - (iv) strike-on-box matches; or
 - (v) other trick noise makers;
- (H) snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five units.

(d) Violation of this section is an infraction and each occurrence of a prohibited act shall constitute a separate violation.

2. Eliminating the Prohibition Against Storage and Possession, and Adding a Permit Process.

42.20.096 Fireworks.

- (a) Except as provided below or in accordance with a valid license or permit, it shall be unlawful for any person to use or explode fireworks, or to allow fireworks to be used or exploded on his or her premises or on premises under his or her control.
- (b) The following exceptions shall apply:
 - (1) It shall be lawful for a person to use or explode salable fireworks, or allow salable fireworks to be used or exploded on his or her premises or on premises under his or her control, between the hours of 10:00 a.m. and 1:00 a.m., on December 31 through January 2 and July 3 through July 5, of each year, or with a valid permit issued in accordance with this section.
- (c) *Permits.* An application for a permit shall be submitted on a form provided by the Juneau Police Department accompanied by a fifty dollar processing fee. Permits issued under this section shall specify the following:
 - (1) The name and address of the permit holder.
 - (2) The dates on which the permissible salable fireworks may be used or exploded by the permittee.
 - (3) A statement that use is allowed between the hours of 10:00 a.m. and 1:00 a.m. only on the dates specified on the permit.
 - (4) The location of permitted use.

- (d) *Salable fireworks* means 1.4 G fireworks, as defined by the National Fire Protection Association, and, more specifically, shall include and be limited to the following:
- (1) 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 three-eighths inch;
 - (2) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed one-half inch, with the rocket sticks being securely fastened to the tubes;
 - (3) helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed one-half inch;
 - (4) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed three-quarters inch;
 - (5) cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;
 - (6) 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 one-half inch;
 - (7) illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 100 grams each in weight;
 - (8) 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;
 - (9) mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight;
 - (10) 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;
 - (11) novelties consisting of two or more devices enumerated in this paragraph when approved by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (e) Violation of this section is an infraction and each occurrence of a prohibited act shall constitute a separate violation.