

See At 2010-86(S)

Submitted by: ASSEMBLY CHAIR TRAINI

Prepared by: Assembly Counsel

For reading: November 23, 2010

ANCHORAGE, ALASKA
AO NO. 2010-86

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 8.75.040, FIREWORKS, TO PROVIDE
3 FOR PERSONAL USE OF CERTAIN COMMON FIREWORKS ON PRIVATE
4 PROPERTY WITHOUT A MUNICIPAL PERMIT FOR A LIMITED NUMBER OF
5 HOURS IN ANNUAL CELEBRATION OF THE NEW YEAR, SUBJECT TO
6 RESTRICTIONS.

7
8 THE ANCHORAGE ASSEMBLY ORDAINS:

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10 **Section 1.** Anchorage Municipal Code section 8.75.040, Fireworks, is hereby
11 amended to read as follows:

12
13 **8.75.040 Fireworks.**

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15 A. It is unlawful for any person to knowingly sell, possess, or use any
16 explosive fireworks or stench bomb to which fuses are attached or which are
17 capable of ignition by matches or percussion, without permission of that
18 municipal official charged with issuing permits for such activities. This section
19 does not apply to sale, possession, or use of highway or other warning flares, or
20 [OF] ammunition for firearms, unless used for other than their intended purposes.
21 A municipal permit under this section is not required for possession or discharge
22 of personal use fireworks on private property by the private property owner,
23 subject to these limitations:

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25 1. As used in this section, the term *personal use fireworks* shall mean
26 1.4 G fireworks, as defined by the National Fire Protection Association,
27 and more specifically, limited to lawful salable fireworks under Alaska law,
28 purchased for personal use with proof of lawful purchase outside the
29 Municipality of Anchorage.

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31 2. Personal use fireworks may be discharged in non-restricted areas
32 without municipal permits under this section and 15.70.070 only during the
33 6-hour annual period beginning 7:30 p.m. Alaska Standard Time on
34 December 31 and ending 1:30 a.m. Alaska Standard Time on January 1.

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36 3. The following locations are restricted areas and municipal permits
37 are required:
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- a. Central Business District Core;
- b. PLI Public Lands and Institutions District;
- c. Municipal parks;
- d. Within 500 feet of any commercial overnight visitor accommodation, health care or assisted living facility, library, school, or place of worship;
- e. Within 500 feet of any automotive service station or other premises where flammable liquids or gases are stored;
- f. Within or from any structure or vehicle;
- g. Any location designated a noise-sensitive zone under AMC 15.70.040;
- h. Any location determined in writing by the municipality to pose a fire danger to the public or property.

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(GAAB 18.05.010.Y; AO No. 97-90, § 1, 7-1-97; AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 4, 12-11-01; AO No. 2003-73, § 3, 4-22-03)

Section 2. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2010.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
No. AM 621-2010

Meeting Date: November 23, 2010

1 **From:** ASSEMBLY CHAIR TRAINI
2

3 **Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
4 **AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.75.040,**
5 **FIREWORKS, TO PROVIDE FOR PERSONAL USE OF CERTAIN**
6 **COMMON FIREWORKS ON PRIVATE PROPERTY WITHOUT A**
7 **MUNICIPAL PERMIT FOR A LIMITED NUMBER OF HOURS IN ANNUAL**
8 **CELEBRATION OF THE NEW YEAR, SUBJECT TO RESTRICTIONS.**
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10 This proposed ordinance would allow the discharge of certain state-allowed fireworks
11 for an annual limited time period, measured in hours, in celebration of the New Year.
12 This proposed ordinance does not change the status quo on the sale of fireworks within
13 the Municipality of Anchorage: Sale of fireworks within the municipality is prohibited.
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15 Under this proposed ordinance, there are many restricted areas in which no discharge
16 is permitted. Under these restrictions, no fireworks are allowed within 500 feet of any
17 commercial overnight visitor accommodation, health care or assisted living facility,
18 library, school, or place of worship; and no fireworks are allowed within 500 feet of any
19 automotive service station or other premises where flammable liquids or gases are
20 stored. Additional "off-limits" areas include: The Central Business District Core; the PLI
21 Public Lands and Institutions District; all Municipal parks. Enforcement and prosecution
22 of violations in these especially sensitive areas is encouraged.
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24 Discharge of fireworks within or from any structure or vehicle, or within any location
25 designated a noise-sensitive zone under AMC 15.70.040, or determined to pose a fire
26 danger to the public or property, remain unlawful.
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28 This proposed ordinance allows certain fireworks for only a few hours each year to
29 celebrate the change from old to new: Beginning in the evening of December 31 and
30 continuing until 1:30 a.m. on January 1, no permit would be required for a person to
31 discharge on their own private property personal use fireworks, defined as lawful
32 "salable" and not "dangerous fireworks" under Alaska law (AS 18.72.100).
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34 Current law has no defined allowable time period, and no enumeration of especially
35 sensitive areas, making enforcement under current law difficult on New Year's Eve. By
36 enumerating the especially sensitive areas as "off limits", and allowing a limited period
37 of hours for fireworks in other areas, law enforcement can focus on the prosecution of
38 fireworks life-safety violations and critical disturbances.
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40 Respectfully submitted: Dick Traini, Assembly Chair, Section 4