

**CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2017-28**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL
CODE CHAPTER 10.24 ENTITLED "FIREWORKS" BY ADDING 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 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 to add 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 authorized displays.
10.24.050	Permissible sales and uses.
10.24.060	Fireworks defined.
<u>10.24.070</u>	<u>Penalties</u>

* * *

10.24.010 Title.

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

10.24.020 Prohibition on sale.

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

10.24.030 Prohibition on use.

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

10.24.040 Exceptions for authorized displays.

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

1. A permit is obtained from the administrator or any employee designated by him; and
2. A bond is filed with the city and borough in the amount of at least five hundred dollars to ensure payment of all damages to persons or property caused by the display. The bond requirement will not be operative if the holder of the permit has in effect an insurance policy which accomplishes the same purpose as the bond.

B. No permit is transferable.

10.24.050 Permissible sales and uses.

Nothing in this chapter shall be construed to prohibit:

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

10.24.060 Fireworks defined.

"Fireworks" includes any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require explosive propellant, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, or other fireworks of like construction, which contain any explosives or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" does not include sparklers, auto

flares, paper caps containing not in excess an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission regulations for packing and shipping, as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times (AS 18.72.100).


10.24.070 Penalties.

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


* * *

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

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 8th day of August, 2017.


Matthew Hunter, Mayor

ATTEST:


Sara Peterson, CMC
Municipal Clerk

1st reading 7/25/17

2nd reading 8/8/17