



LAWS OF ALASKA

1969

Source

Chapter No.

SB 302 am

116

AN ACT

Providing for state regulation of fireworks; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 18 is amended by adding a new chapter to read:

CHAPTER 72. STATE REGULATION OF FIREWORKS.

Sec. 18.72.010. REGULATION OF SALE OF DANGEROUS FIREWORKS. (a) The sale or offer to sell dangerous fireworks at wholesale or retail for any purpose other than industrial, agricultural, wildlife control or public display is prohibited.

(b) A person desiring to use dangerous fireworks for industrial, agricultural, wildlife control or public display purposes shall first comply with the permit requirements of the fire safety code.

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. No fireworks wholesaler may sell dangerous fireworks to anyone, unless he has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the fireworks wholesaler, and maintained as a permanent record of the sale.

Sec. 18.72.020. REGULATION OF SALE OF SALABLE FIREWORKS. (a) A person holding a permit required by the fire safety code may sell or offer for sale salable fireworks, if

(1) the person has submitted to the state fire marshal a policy, or a certified true copy of a policy, of

public liability and products liability insurance, including both accident and occurrence coverage, provided by the wholesale company selling to the fireworks retailer, in the amount of at least \$300,000 for bodily injury or death and at least \$100,000 property damage, upon which policy the state and all governmental subdivisions of the state and the permit holder shall be named as additional insureds and which shall be continuously in force while the permit holder is engaged in the retail sale of fireworks, and

(2) an endorsement fee of \$5 is paid to the state fire marshal for each year or fraction of year during which permit holder is engaged in the retail sale of fireworks.

(b) Upon approval of the insurance required in (a) of this section, the permit of the holder shall be endorsed by the state fire marshal to indicate the holder's right to sell fireworks at retail, and shall indicate an expiration of the authority. The expiration date shall coincide with the expiration date of the permit holder's liability insurance.

Sec. 18.72.030. FIREWORKS WHOLESALER'S LICENSE. (a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by him. The application shall be accompanied by an annual license fee of \$500.

(b) The license required under (a) of this section is valid until December 31 of the year during which it is issued, and is renewable upon the payment of each subsequent annual license fee and affirmation that the information contained in the wholesaler's original application for a fireworks wholesaler's license is currently accurate.

Sec. 18.72.040. VIOLATION. A person who knowingly and wilfully fails to comply with a provision of this chapter or fireworks regulations adopted under the fire safety code is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both. Each day of noncompliance constitutes a separate offense.

Sec. 18.72.050. DEFINITIONS. In this chapter and fireworks regulations adopted under the state fire safety code

(1) "dangerous fireworks" includes all fireworks which are not defined as salable fireworks;

(2) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(3) "fireworks" means salable fireworks or dangerous fireworks;

(4) "salable fireworks" are ICC Class C Common Fireworks and shall include only those fireworks enumerated as ICC Class C Common Fireworks in the regulations of the

Interstate Commerce Commission, as the regulations are presently constructed, and, more specifically, shall include and be limited to the following:

(A) 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 3/8 inch;

(B) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed 1/2 inch, with the rocket sticks being securely fastened to the tubes;

(C) helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed 1/2 inch;

(D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed 3/4 inch.

(E) cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;

(F) 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 1/2 unit;

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

(H) dipped sticks, the pyrotechnic composition of which contains chlorate or perchlorate which do not exceed five grams, and sparklers, the composition of which does not exceed 100 grams each and which contains no magnesium or magnesium and a chlorate or perchlorate;

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

(J) 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;

(K) novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.

Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after the

effective date of this Act, which are less restrictive than with this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks.

* Sec. 2. AS 29.10.193 is amended to read:

Sec. 29.10.193. FIREWORKS. The council may by ordinance regulate or prohibit the offering for sale, exposure for sale, sale, use, or explosion of fireworks. The provisions of an ordinance adopted under this section shall not be less restrictive than state regulation of fireworks under AS 18.72 or fireworks regulations adopted by the state in accordance with law.

* Sec. 3. AS 29.15.185 is amended to read:

Sec. 29.15.185. FIREWORKS. The council may by ordinance regulate or prohibit the offering for sale, exposure for sale, sale, use, or explosion of fireworks. The provisions of an ordinance adopted under this section shall not be less restrictive than state regulation or fireworks under AS 18.72 or fireworks regulations adopted by the state in accordance with law.

* Sec. 4. AS 29.25.325 is amended to read:

Sec. 29.25.325. FIREWORKS. The council may by ordinance regulate or prohibit the offering for sale, exposure for sale, sale, use, or explosion of fireworks. The provisions of an ordinance adopted under this section shall not be less restrictive than state regulation of fireworks under AS 18.72 or fireworks regulations adopted by the state in accordance with law.

* Sec. 5. AS 07.15.724 is amended to read:

Sec. 07.15.724. FIREWORKS. The second class borough may provide for fireworks control in the area outside cities and may do so in the manner provided for first class cities under AS 29.10.193. The exercise of the power of fireworks control in the area outside cities is at the option of the borough and is not subject to the restrictions on acquiring additional powers specified in secs. 720 and 730 - 800 of this chapter. The provisions of an ordinance adopted under this section shall not be less restrictive than state regulation of fireworks under AS 18.70.072 - 18.70.078 or fireworks regulations adopted by the state in accordance with law.

* Sec. 6. AS 29.08 is amended by adding a new section to read:

Sec. 29.08.210. LIMIT ON HOME RULE POWER RELATING TO FIREWORKS CONTROL. AS 29.10.193, relating to regulation of fireworks, applies to home rule cities.

* Sec. 7. AS 07.12 is amended by adding a new section to read:

Sec. 07.12.030. LIMIT ON HOME RULE POWER RELATING TO

FIREWORKS CONTROL. AS 07.15.724, relating to regulation of fireworks, applies to home rule boroughs.

* Sec. 8. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.