

Introduced: 1/28/65
Referred: Health, Welfare
and Education
Local Government and
State Affairs

1 IN THE HOUSE

BY MR. ENGSTROM BY REQUEST

2 HOUSE BILL NO. 52

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to regulate fireworks; and providing
7 for an effective date."

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

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

10 CHAPTER 85. FIREWORKS

11 Sec. 18.85.010. FIREWORKS PROHIBITED. Except as
12 provided in this chapter, it is unlawful for any person to
13 offer for sale, expose for sale, sell at retail, use, or
14 explode any fireworks;

15 Sec. 18.85.020. EXCEPTION FOR AUTHORIZED DISPLAYS. (a)
16 Fireworks may be used for public displays by municipalities,
17 fair associations, amusement parks, and other organizations
18 or groups of individuals, if

19 (1) a permit is obtained from the city or borough
20 in which the display is to take place, or, if the display is
21 not to take place within a city or borough, from the state
22 fire marshal;

23 (2) the display is prepared and presented under
24 the immediate supervision of a person approved by the fire
25 chief of the city or borough in which the display is to take
26 place, or if the display is not to take place within a city
27 or borough, by the state fire marshal;

28 (3) the plan for the display is approved in ad-
29 vance by the fire chief or fire marshal, as the case may be,

1 and

2 (4) a bond is filed with a city or borough, or in
3 the area outside cities and boroughs, with the state fire
4 marshal, in the amount of ^{AT LEAST} \$500, conditioned for the payment
5 of all damages to persons or property arising from the display
6 or from acts of persons preparing or presenting the display.
7 The bond requirement is suspended if any insurance policy is
8 in effect which accomplishes the same purpose as the bond.

9 (b) The fire chief or fire marshal, as the case may be,
10 may inspect the preparations for a display at all reasonable
11 times, and may at any time suspend or halt a display if it is
12 not prepared or presented in conformity with law, ordinance,
13 or the terms of a permit.

14 (c) After a permit is granted, the possession, use,
15 and distribution of fireworks are lawful only for the purpose
16 stated in a permit. No permit is transferable.

17 Sec. 18.85.030. PERMISSIBLE SALES AND OTHER USES OF
18 FIREWORKS. Nothing in this chapter shall be construed to
19 prohibit

20 (1) any resident wholesaler, dealer, or jobber
21 from selling at wholesale those fireworks which are not
22 prohibited in this chapter;

23 (2) the sale of any kind of fireworks if the
24 fireworks are to be shipped directly from the state in accor-
25 dance with regulations of the Interstate Commerce Commission;

26 (3) the use of fireworks by railroads or other
27 transportation agencies for signal purposes or illumination;

28 (4) the sale or use of blank cartridges for a
29 show or a theater;

1 (5) use of fireworks for signal or ceremonial
2 purposes in athletic events or parades; and

3 (6) use by military organizations.

4 Sec. 18.85.040. LOCAL RESTRICTIONS. Cities and
5 boroughs may by ordinance further limit or regulate displays
6 of fireworks.

7 Sec. 18.85.050. PENALTY. A person who violates this
8 chapter is guilty of a misdemeanor and upon conviction is
9 punishable by a fine of not more than \$100, or by imprison-
10 ment for not more than 30 days, or by both.

11 Sec. 18.85.060. DEFINITIONS. In this chapter "fire-
12 works" includes any combustible or explosive composition, or
13 any substance or combination of substances, or article pre-
14 pared for the purpose of producing a visible or an audible
15 effect by combustion, explosion, deflagration or detonation,
16 and includes blank cartridges, toy pistols, toy cannons, toy
17 canes, or toy guns in which explosives are used, balloons
18 which require explosive propellant, firecrackers, torpedoes,
19 skyrockets, Roman candles, Daygo bombs, or other fireworks of
20 like construction, which contain any explosives or flammable
21 compound, or any tablets or other device containing any ex-
22 plosive substance, except that the term "fireworks" shall not
23 include sparklers, toy pistols, toy canes, toy guns or other
24 devices in which paper caps, manufactured and shipped in
25 accordance with the United States Interstate Commerce Com-
26 mission regulations regarding such caps, are used, the sale
27 and use of which shall be permitted at all times.

28 Sec. 18.85.070. SHORT TITLE. This chapter may be cited
29 as the State Fireworks Act.

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* Sec. 2. This Act takes effect August 1, 1965.