

Introduced: 4/1/69
Referred: Local Government

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1 IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

2 SENATE BILL NO. 302

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for state regulation of fireworks."

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

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

9 CHAPTER 72. STATE REGULATION OF FIREWORKS.

10 Sec. 18.72.010. REGULATION OF SALE OF DANGEROUS FIREWORKS. (a)

11 The sale or offer to sell dangerous fireworks at wholesale or retail
12 for any purpose other than industrial, agricultural, wildlife control
13 or public display is prohibited.

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

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

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

26 (1) the person has submitted to the state fire marshal a
27 policy, or a certified true copy of a policy, of public liability and
28 products liability insurance, including both accident and occurrence
29 coverage, by an insurance company legally qualified to do business in

1 the state, in the amount of at least \$300,000 for bodily injury or
2 death and at least \$100,000 property damage, upon which policy the
3 state and all governmental subdivisions of the state and the permit
4 holder shall be named as additional insureds and which shall be con-
5 tinuously in force while the permit holder is engaged in the retail
6 sale of fireworks, and

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

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

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

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

26 Sec. 18.72.040. VIOLATION. A person who knowingly and wilfully
27 fails to comply with a provision of this chapter or fireworks regu-
28 lations adopted under the fire safety code is guilty of a misdemeanor
29 and, upon conviction is punishable by a fine of not more than \$500, or

1 by imprisonment for not more than six months, or by both. Each day of
2 noncompliance shall constitute a separate offense.

3 Sec. 18.72.050. DEFINITIONS. In this chapter and fireworks regu-
4 lations adopted under the state fire safety code

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

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

10 (3) "fireworks" means salable fireworks or dangerous fire-
11 works;

12 (4) "salable fireworks" are ICC Class C Common Fireworks and
13 shall include only those fireworks enumerated as ICC Class C Common
14 Fireworks in the regulations of the Interstate Commerce Commission, as
15 the regulations are presently constructed, and, more specifically, shall
16 include and be limited to the following:

17 (A) roman candles, not exceeding 10 balls spaced uni-
18 formly in the tube, total pyrotechnic composition not to exceed
19 20 grams each in weight, any inside tube diameter not to exceed
20 3/8 inch;

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

25 (C) helicopter type rockets, total pyrotechnic compo-
26 sition not to exceed 20 grams each in weight, and the inside tube
27 diameter not to exceed 1/2 inch;

28 (D) cylindrical fountains, total pyrotechnic compo-
29 sition not to exceed 75 grams each in weight, and the inside tube

1 diameter not to exceed 3/4 inch.

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

4 (F) wheels, total pyrotechnic composition not to exceed
5 60 grams for each driver unit or 240 grams for each complete wheel,
6 and the inside tube diameter of driver units not to exceed 1/2
7 unit;

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

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

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

19 (J) firecrackers with soft casings, the external dimen-
20 sions of which do not exceed one and one-half inches in length or
21 one-quarter inch in diameter, total pyrotechnic composition not to
22 exceed two grains each in weight;

23 (K) novelties consisting of two or more devices enum-
24 erated in this paragraph when approved by the Bureau of Explosives;
25 Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fire-

26 works regulations adopted under the fire safety code supersede the
27 provisions of an ordinance adopted by a city or borough, whether before
28 or after the effective date of this Act, which are inconsistent with
29 this chapter or the code. However, nothing in this section affects the

1 authority of a city or organized borough under other law to prohibit
2 entirely the offering for sale, exposure for sale, sale, use, or
3 explosion of fireworks.

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

5 Sec. 29.10.193. FIREWORKS. The council may by ordinance regulate
6 or prohibit the offering for sale, exposure for sale, sale, use, or
7 explosion of fireworks. The provisions of an ordinance adopted under
8 this section shall not conflict with state regulation of fireworks under
9 AS 18.72 or fireworks regulations adopted by the state in accordance
10 with law.

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

12 Sec. 29.15.185. FIREWORKS. The council may by ordinance regulate
13 or prohibit the offering for sale, exposure for sale, sale, use, or
14 explosion of fireworks. The provisions of an ordinance adopted under
15 this section shall not conflict with state regulation of fireworks
16 under AS 18.72 or fireworks regulations adopted by the state in accord-
17 ance with law.

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

19 Sec. 29.25.325. FIREWORKS. The council may by ordinance regulate
20 or prohibit the offering for sale, exposure for sale, sale, use, or
21 explosion of fireworks. The provisions of an ordinance adopted under
22 this section shall not conflict with state regulation of fireworks
23 under AS 18.72 or fireworks regulations adopted by the state in accord-
24 ance with law.

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

26 Sec. 07.15.724. FIREWORKS. The second class borough may provide
27 for fireworks control in the area outside cities and may do so in the
28 manner provided for first class cities under AS 29.10.193. The exercise
29 of the power of fireworks control in the area outside cities is at the

1 option of the borough and is not subject to the restrictions on acquir-
2 ing additional powers specified in secs. 720 and 730 - 800 of this
3 chapter. The provisions of an ordinance adopted under this section
4 shall not conflict with state regulation of fireworks under AS 18.70.-
5 072 - 18.70.078 or fireworks regulations adopted by the state in accord-
6 ance with law.

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

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

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

12 Sec. 07.12.030. LIMIT ON HOME RULE POWER RELATING TO FIREWORKS
13 CONTROL. AS 07.15.724, relating to regulation of fireworks, applies
14 to home rule boroughs.