

ALASKA LEGISLATURE COMMITTEE FILES 1983-1980 00/2

3264 HJUD HB 35

140

Alaska State Legislature



House of Representatives House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

January 14, 1986

PUBLIC SERVICE ANNOUNCEMENT

On Tuesday, Jan. 21st, from 1:30 - 3:00 p.m. the House Judiciary Committee will hold a hearing on CSHB 35, "An Act relating to state regulation of fireworks; and providing for an effective date." The hearing will take place in the House Judiciary Committee room 124 in the Capitol Building in Juneau. The hearing will be teleconferenced state-wide to all Legislative Information Offices.

Anyone wishing to testify on the bill may simply sign up before or during the hearing at their local L.I.O.

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS



ANCHORAGE
P O BOX 104836
ANCHORAGE, AK 99510
(907) 338-2425
JUNEAU
POUCH V
STATE CAPITOL
JUNEAU, AK 99811
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House of Representatives

MEMORANDUM

DATE: January 13, 1985

TO: Representative Mike Miller, Chairman
House Judiciary

FROM: Representative Pat Pourchot *Pat Pourchot!*

SUBJECT: House Judiciary Hearing on HB 35

I would appreciate the committee extending invitations to the following individuals to testify before the House Judiciary Committee hearing on HB 35 scheduled for January 21 at 1:30 p.m.

John Sturgeon
State Forester
Department of Natural Resources
P.O. Box 7-005
Anchorage, AK 99510

Sam Neal
State Fire Marshall
P.O. Box 6313
Anchorage, AK 99502

John Franklin, Commissioner
Department of Public Safety
Municipality of Anchorage
P.O. Box 6-650
Anchorage, AK 99502

Mark Johnson, Director
Division of Emergency Medical Services
Department of Health & Social Services
P.O. Box H
Juneau, AK 99811

I have extended invitations to the following individuals who may also wish to testify.

Jason Elson, President
Alaska Firefighters Association
Boxc 2712
Kenai, AK 99611

Chief Ross Fosberg
Anchorage Fire Department
P.O. Box 6-650
Anchorage, AK 99501

Wayne Grieme
6230 Grieme Road
North Pole, AK 99705

Dorothy Jones, Mayor
Matanuska-Susitna Borough
Box B
Palmer, AK 99645

Thomas McAlister
Fire Chief
Valdez Fire Department
P.O. Box 307
Valdez, AK 99686

Frank Mullen
Kenai Peninsula Borough Assemblyman
P.O. Box 850
Soldotna, AK 99669

Joyce Murphy, D.V.M.
Virginia Johnson, D.V.M.
Alpine Veterinary Clinic
8050 Old Seward Highway
Anchorage, AK 99502

Michael Ririe
Operations Manager
Anchorage Animal Control
Municipality of Anchorage
P.O. Box 6-650
Anchorage, AK 99502

Darryl Schaefermeyer
Deputy City Manager
City of Seward
P.O. Box 167
Seward, AK 99664

David Squires
Deputy Chief
Seward Volunteer Fire Department
Seward, AK 99664

Leonard Weimer
Bear Creek Fire Department
Seward, AK 99664

Tom and Flarine Spencer
1409 Nunaka Drive
Anchorage, AK 99504

Ethel Christianson
SPCA
3439 East Tudor Road
Anchorage, AK 99507

Chip Dennerlein
Intergovernmental Affairs
Municipality of Anchorage
P.O. Box 6-650
Anchorage, AK 99502

March 21, 1986

Honorable M. Mike Miller
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Representative Miller:

We understand that House Bill 35 has been referred back to the House Rules Committee for possible further amendments. We have also been told that the sponsor of the bill hopes to offer amendments which would make the bill more acceptable to firework distributors and other opponents of the bill with whom he says he has been in contact.

We do not know who these firework distributors might be. They are not the companies which are represented by me: Pyrodyne, Inc. or R & S Marketing Services, Inc. We are not aware of any retailers or wholesalers of fireworks in the State of Alaska with whom we have been working who have recently told the sponsor of House Bill 35 that there are amendments which could make the bill more acceptable to them.

However, in the interest of making our position on House bill 35 clear to you and to other members of the House, let me clarify for you the position of my clients relative to the current draft of the bill as it passed the House Judiciary Committee (C&B 35(Jud)).

(1) Page 1, line 11: The insertion of the word "manufacture" could be troublesome because the word is not defined in the current statute nor is it defined in the current draft of the bill. Our concern would be that the assembling of firework items for the purpose of display or the assembling of firework items for retail sales could be construed as 'manufacturing'. By assembling, we mean only putting pieces together as when a display set piece is constructed out of various firework items. We would suggest that "manufacture" be clearly defined so that activities pursuant to a public display or sales of permitted firework items be clearly excluded from such a prohibition of manufacturing. We would offer the following definition for your consideration:

"manufacture" means to make or produce a firework item from its chemical and other components but does not mean to fabricate, construct or assemble set pieces, mechanical pieces or other items for use in public displays nor does it mean to assemble packages or groups of salable firework items or individual retail firework items for wholesale or retail sales.

(2) Section 5 of this current draft bill repeals AS 18.72.050 entirely and reenacts only some but not all of the definitions now found in this section of the current law. As a result of this repeal and only partial reenactment, some firework items now legal for retail sales and purchase, possession and use by the citizens of Alaska would

be made illegal. It is not correct that only firecrackers would become illegal under this bill if enacted! Helicopters, aerial spinners, mines, shells and combination items also would be prohibited because they are not defined and not included in the new definition of "salable fireworks".

Please refer to the existing statute at AS 18.72.050 (4). This subsection contains the definitions of salable items. You will note that some of these items are no longer included in the list of "salable fireworks" found in CSHB 35, are not defined and would therefore be covered by the definition of "dangerous fireworks". Consequently, they would be prohibited from legal purchase, possession and use by the citizens of Alaska! Each of the following are not defined in CSHB 35 and would be prohibited:

- AS 18.72.050 (4) (C) helicopter type rockets
- AS 18.72.050 (4) (I) mines and shells
- AS 18.72.050 (4) (J) firecrackers
- AS 18.72.050 (4) (K) novelties consisting of two or more devices enumerated in this subsection

If someone has been representing the current draft of CSHB 35 as prohibiting only firecrackers, they either do not understand the bill or they are misrepresenting what the bill does!

When we testified before the House State Affairs, we indicated that we opposed House Bill 35 as originally drafted because it was unnecessary legislation. Current Alaska law gives all jurisdictions the authority to enact local ordinances more restrictive than the state fireworks law. That local authority is not removed by House Bill 35 or by CSHB 35!

We still oppose the latest version--CSHB 35--because it is still unnecessary! There is nothing about CSHB 35 which makes it a better bill and, therefore, more acceptable to us. Nor is there anything in CSHB 35 which, in our opinion, makes it good legislation for the citizens of Alaska.

We do believe that there are provisions which could be added to the current Alaska fireworks law which make the law better for all of Alaska's citizens. We made some of those suggestions in our testimony before the Committee. They were not included in the subsequent redraft of the bill and no one has since asked us about them. The sponsor of House Bill 35 has not contacted us to request ideas for improvement of the bill. We are not aware that retailers in Alaska with whom we work or any other persons have been contacted either.

We testified that House Bill 35 did not solve any perceived problems. We were not convinced that any real problems had been correctly identified. We see CSHB 35 as faulty for the same reasons. We remain convinced that CSHB 35 is faulty, unneeded legislation and that it should be defeated.

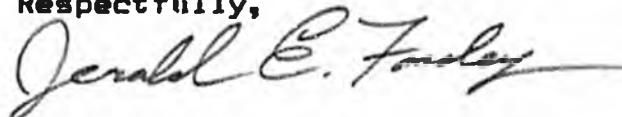
Respectfully, we offer again to work with legislators to improve the Alaska state fireworks law.

We ask that you oppose CSHB 35 because it is more restrictive than it is said to be and because it is bad legislation which will not solve any real problems there may be in Alaska.

The press of other business in the lower 48 has made it difficult for me to get to Juneau this year. Frankly, I have hoped to be able to get to Juneau in the near future to work on this bill. However, it now appears that a trip in the next two weeks is unlikely. I hope that in that timespan, the House will finally and decisively defeat CSHB 35 because it is unneeded, bad legislation and, then, move on to the consideration of subjects of more immediate importance to Alaska.

If I can be of any help in the next few days with respect to improving CSHB 35 or if I can be of any help in defeating the current version of the bill, please let me know.

Respectfully,



Jerald E. Farley, representing
Pyrodyne, Inc. and
R & S Marketing Services, Inc.
2540 34th Avenue South
Seattle
Washington 98144
206-723-4477



Official Business

Alaska State Legislature

House of Representatives

Committee on State Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

(907) 485-4883

To: Representative Katie Hurley
Chair, House State Affairs Committee

From: Nevette Bowen
Committee Aide

Date: 3/14/85

Re: Proposed Committee Substitute for House Bill 35

The proposed committee substitute for House Bill 35 "An Act relating to state regulation of fireworks" contains the following changes:

°The effective date has been changed to July 15, 1985 to enable retailers to dispose of their inventories before any restriction on salable fireworks occurs.

°The definition of salable fireworks is expanded to include ground spinners and flitter sparklers. This was done at the suggestion of Jerry Farley, a fireworks wholesaler representative from Seattle, to bring the bill into conformity with laws in other states which allow the full range of "safe and sane fireworks."

°The other amendments were suggested by the Department of Law:

Section 1 (a) was modeled after language from other statutes which restrict use of controlled substances.

Section 4 brings the bill into conformity with accepted drafting style for criminal statutes and specifically defines the class of penalties involved.

A class A misdemeanor will result in a \$5000 fine or 1 year in jail, or both.

A class B misdemeanor will result in a \$1000 fine or 90 days in jail, or both.

The Department of Law has no position on the amount of penalty imposed. Their suggestion is that the legislation specifically define the class of penalties involved. Representative Pourchot's office has suggested that the penalty upon conviction be a class A misdemeanor.

Draft

Hein

Original sponsor: Pourchot

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IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
CS FOR HOUSE BILL NO. 35 (State Affairs)
IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act relating to state regulation of fireworks;
and providing for an effective date."

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

* Section 1. AS 18.72.010(a) is amended to read:

(a) The sale, ~~offer~~ offer to sell, possession with intent to
sell, or manufacture of dangerous fireworks at wholesale or retail for
a ~~ANY~~ purpose other than industrial, agricultural, wildlife control
or public display purposes is prohibited.

* Sec. 2. AS 18.72.010(c) is amended to read:

(c) All dangerous fireworks shall be purchased from a fireworks
wholesaler licensed as such in this state. A ~~NO~~ fireworks whole-
saler may not sell dangerous fireworks to anyone, unless the wholesaler
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. 3. AS 18.72.030(a) is amended to read:

(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 the state fire marshal [HIM]. The
application shall be accompanied by an annual license fee of \$50.

* Sec. 4. AS 18.72.040 is amended to read:

Sec. 18.72.040. PENALTIES (VIOLATION) A person who recklessly
[KNOWINGLY AND WILFULLY] fails to comply with a provision of this

1 chapter or fireworks regulations adopted in the fire safety code is
2 guilty of a class A misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY
3 A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX
4 MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate
5 offense.

6 * Sec. 5. AS 18.72.050 is repealed and reenacted to read:

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

9 (1) "cone fountain" means a cardboard or heavy paper cone
10 containing not more than 50 grams of pyrotechnic composition and that
11 has the same effect as a cylindrical fountain;

12 (2) "cylindrical fountain" means a cylindrical tube not
13 more than three-fourths of an inch (19 mm) inside diameter, containing
14 up to 75 grams of pyrotechnic composition, that may be supported on a
15 base or spike or may be hand-held and that, upon ignition, produces a
16 shower of colored sparks and, sometimes, a whistling effect;

17 (3) "dangerous fireworks" includes all fireworks that are
18 not defined as salable fireworks;

19 (4) "dipped stick" means a stick or wire coated with not
20 more than 100 grams of pyrotechnic composition, or if containing
21 perchlorate or chlorate salts, not more than five grams of pyrotechnic
22 composition, and that produces a shower of sparks upon ignition;

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

26 (6) "fireworks" means a composition or device designed to
27 produce a visible or an audible effect by combustion, deflagration or
28 detonation, and that meets the definition of "common" or "special"
29 fireworks as set out in the hazardous materials regulations of the

1 United States Department of Transportation, but does not include

2 (A) toy pistols, toy canes, toy guns, or other devices
3 in which paper or plastic caps manufacture, packed, and shipped
4 in accordance with United States Department of Transportation
5 regulations; and

6 (B) model rockets and model rocket motors designed,
7 sold, and used for the purpose of propelling recoverable aero
8 models;

9 (7) "flitter sparkler" means a narrow paper tube filled
10 with pyrotechnic composition that produces color and sparks upon
11 ignition; this device does not have a fuse for ignition; the paper at
12 one end of the tube is ignited to make the device function;

13 (8) "ground spinner" means a small device similar to wheel
14 in design and effect and placed on the ground and ignited; a shower of
15 sparks and color is produced by the rapidly spinning device;

16 (9) "illuminating torch" means a cylindrical tube contain-
17 ing not more than 100 grams of pyrotechnic composition, that may be
18 supported on a base or spike or may be hand-held and that, upon igni-
19 tion, produces a colored fire;

20 (10) "recklessly" has the meaning given in AS 11.81.900(a)-
21 (3);

22 (11) "salable fireworks" includes only the following United
23 States Department of Transportation common fireworks:

24 (A) cone fountains;

25 (B) cylindrical fountains;

26 (C) dipped sticks;

27 (D) flitter sparklers;

28 (E) ground spinners;

29 (F) illuminating torches;

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(G) wheels;

(12) "wheel" means a pyrotechnic device attached to a post or tree by means of a nail or string, containing a total pyrotechnic composition of not more than 60 grams in each driver unit or 240 grams in each complete wheel, and that, upon ignition, revolves and produces a shower of color and sparks and, sometimes, a whistling effect.

* Sec. 6. AS 18.72.060 is amended to read:

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 May 23, 1969, that [WHICH] are less restrictive than 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. 7. AS 18.72.060 is amended by adding a new subsection to read:

(b) This chapter does not apply to

(1) the sale, and use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use;

(2) the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry;

(3) gold star producing sparklers that contain no magnesium or chlorate;

(4) toy snakes that contain no mercury;

(5) smoke novelties and party novelties that contain less than 0.25 grain of explosive mixture;

(6) shells or cartridges used as ammunition in firearms;

(7) blank cartridges used for a theatrical or other

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entertainment production, or for signal or ceremonial purposes in sporting events or by military organizations.

* Sec. 8. This Act takes effect July 15, 1987.

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS



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House of Representatives

MEMORANDUM

DATE: March 20, 1985

TO: M. Mike Miller, Chair
House Judiciary Committee

FROM: Representative Pat Pourchot 

SUBJECT: CSHB 35 (SA) Relating to the Regulation of Fireworks

Attached, please find the State Affairs CS for HB 35, which relates to the regulation of fireworks, and which has a second referral to Judiciary.

My intention in sponsoring this bill is to give substance to the existing municipal restrictions on the use and sale of fireworks. While most major municipalities have complete bans on the sale and use of fireworks, readily obtained fireworks in nearby areas effectively prevent enforcement. The measure does not restrict all fireworks sales as do most municipalities, but it does ban on a statewide basis the most dangerous and most objectionable ones, firecrackers and skyrockets.

The State Affairs Committee held three hearings on the bill, including a statewide teleconference. It is my belief that the CS addresses the major substantive concerns raised by the committee and the public. Major changes to the bill include:

- * The effective date has been postponed to December 31, 1985, to enable retailers to liquidate inventories of fireworks which will be prohibited with the enactment of HB 35. Many profitable products to the fireworks retailers (fountains, cones, ground spinners) will continue to be allowed to be sold under the bill.
- * Flitter sparklers and ground spinners have also been included as salable fireworks. This was done at the urging of the fireworks industry interests who asked that additional fireworks be added to the salable list. This conforms the bill to those state laws allowing the full array of "safe and sane" fireworks.
- * At the suggestion of the Department of Law, several amendments were added to conform to other statutes dealing with restrictions of controlled substances. These include prohibiting the possession with the

intent to sell dangerous fireworks, specifying the class of penalties involved, and using the term "recklessly" rather than "willfully and knowingly." These changes conform to standard drafting styles.

I would most appreciate the committee's early consideration of this bill.

Attachment

PJP:RJR:jl

COMMITTEE REPORT
HOUSE

(7)

FURTHER: Judiciary

1/14/85

Date: 3/14/85

The Committee on State Affairs has had HB 35

"An Act relating to state regulation of fireworks; and providing for an effective date."

under consideration and recommends:

do pass do not pass

do pass with attached amendments(s)

replace with CS for HB 35 same title new title

and recommends do pass

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

W. B. [Signature]
[Signature]
W. A. [Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
CHAIRMAN

CS House Bill 35 (State Affairs)

An Act Relating to State Regulation of Fireworks

House Bill 35 does:

- Prohibit the sale of certain fireworks, such as firecrackers, skyrockets, bottle rockets and other aerial exploding devices.

House Bill 35 does not:

- Restrict the permitted public displays of fireworks which have been approved by the State Fire Marshall;
- Prohibit the sale of cone and cylindrical fountains, dipped sticks, sparklers, wheels, ground spinners, and flitter wheels;
- prohibit the sale of smoke and party novelties, including toy snakes;
- Prohibit the sale of toy cap pistols, toy canes, or toy guns;
- Prohibit the sale and use of emergency signaling devices; nor
- Prohibit the sale and use of recoverable model rockets and their propellants.

HB 35: JUSTIFICATION

Most municipalities in Alaska prohibit the use and sale of all fireworks. These municipalities include: the Municipality of Anchorage, the City of Fairbanks, the Fairbanks North Star Borough, the Matanuska-Susitna Borough, the Ketchikan Gateway Borough and the Cities of Ketchikan, Seward, Cordova, Soldotna, and Valdez. However, the unorganized areas of the state do not restrict use and sale. Without exception, there are violations in the municipalities due to availability of fireworks just across their boundaries.

HB 35 is intended to give substance to the restrictions imposed by these municipalities, by prohibiting on a statewide basis, firecrackers, bottle rockets, and skyrockets. The bill does not restrict the permitted public fireworks displays, approved by the State Fire Marshall. It allows for the sale and use of novelty fireworks, including glow worms and snakes, toy pistols, and toy cap guns.

The state statutes would not be as restrictive as most of the municipal prohibitions already on the books which provide for total bans on fireworks. The sale of sparklers, ground fountains, wheels, spinners and flitter sparklers (i.e., safe, nonexploding fireworks) would be allowed.

Thirty-six other states have restrictions on fireworks equal to or more restrictive than that which HB 35 proposes. This bill is modeled after Kentucky's statutes, the most recent state to revise its fireworks laws.

INJURIES/FIRES

- Fireworks have become a significant public safety problem.

United States

- In 1983, 8,277 injuries resulted from fireworks; 60 percent injured were children under age 15. (Consumer Product Safety Commission)
- From 1974 to 1983, 74,000 fireworks related injuries. (Consumer Product Safety Commission)

Alaska

- From 1980 to 1984, 141 fireworks-caused fires resulted in \$669,400 in damages. [Alaska National Fire Incidence Reporting System (ANFIRS)].
- \$400,000 fire in Metlakatla--fireworks were the cause (ANFIRS).

- A 339 acre fire near Soldotna cost \$90,000 to extinguish (ANFIRS).

Anchorage

- In 1984, 632 complaints to the Anchorage Police Department relating to the illegal use of fireworks. (Anchorage Police Department)
- Twenty-six minor fires on July Fourth in a 24 hour period-- caused by fireworks.

Fireworks retailers are not going to be put of business. The 49 licensed retailers may continue to sell cones, fountains, sparklers, and novelties, which are among the primary sources of their income.

There are 49 fireworks retailers, holding 130 permits. Retail permits are \$5.00 each. Of the ten wholesale permit holders, five are from out-of-state. These permits are \$50.00 each.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 31, 1985

SUBJECT: Sectional analysis of HB 35
TO: Representative Pat Pourchot
FROM: Edward H. Hein *EHA*
Legislative Counsel

Section 1 inserts the word "purposes" on page 1, line 12, for clarity.

Section 2 makes changes to conform to proper drafting style.

Section 3 eliminates the personal pronoun "him" on page 1, line 24, to conform to proper drafting style.

Section 4 changes to mental state required for conviction of a violation of AS 18.72 to conform with the mental states recognized under the criminal code, AS 11.

Section 5 replaces some existing definitions of specific kinds of fireworks with definitions adapted from the Kentucky Revised Statutes that do not change the technical requirements in the existing definitions, but do add language describing the behavior or effects of the fireworks. The definition of "fireworks" at page 2, line 24, is changed from the existing circular definition to a meaningful generic definition of fireworks, as adapted from Kentucky law. The definition of "salable fireworks" at page 3, line 11, is a substantial change from existing law. Currently, Alaska law defines as salable fireworks all class C common fireworks, which includes explosive and aerial devices such as firecrackers, roman candles and skyrockets, among others. The new definition of "salable fireworks" in this bill limits them to five non-aerial, non-explosive devices, all of which are individually defined in the section. By so changing the definition of salable fireworks, the bill would significantly limit the kinds of fireworks that may be lawfully sold to the general public. In local areas of the

Representative Pat Pourchot
January 31, 1985
Page 2

state even these may have been prohibited from sale to the public by ordinance.

Section 6 makes a change at page 3, line 27, to conform to proper drafting style.

Section 7 provides that state regulation of fireworks under AS 18.72 does not apply to seven situations in which devices are used that otherwise might be considered fireworks and thereby regulated under the chapter.

Section 8 provides an immediate effective date.

EHH:ojb
J11/043

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS



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House of Representatives

MEMORANDUM

DATE: December 10, 1985

TO: Mike Miller, Chairman
House Judiciary Committee

FROM: Representative Pat Pourchot 

SUBJECT: HB 35, Regulation of Fireworks

Mike, as you know I have been pushing for the above bill which would ban the sale of certain dangerous fireworks on a statewide level.

While virtually all municipalities now have ordinances against all fireworks, there are a few areas of the state where "anything goes." This situation obviously results in tremendous problems, like in Anchorage where people simply drive "up the road" and bring illegal fireworks into town.

The last major municipality to allow all fireworks, the Kenai Peninsula Borough, recently held an election where a fireworks ban advisory vote was passed by the voters. The Borough Assembly is to act next week on some type of restriction.

However, in the case of Anchorage and Fairbanks there is still a major problem stemming from sales in the unincorporated area around Glennallen and Nenana. Thus, statewide restrictions are still needed.

I want to stress again that HB 35 restricts only certain types of fireworks, not all fireworks. Only the most dangerous fireworks, fire-crackers and aerial fireworks (like skyrockets), would be banned. Last year we heard considerable testimony in the House State Affairs Committee from municipalities, police and fire officials on the dangerous, costly and nuisance effects of fireworks use.

I would greatly appreciate your attention on this bill and hearings by the Judiciary Committee early in the upcoming session.

Enclosures

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Anchorage Times - July 5

Seward boy dies after fireworks explode in truck cab on road

by Earl Swift
and Christopher Jarvis
Times Writers

A Seward boy died at an Anchorage hospital Friday after fireworks he and his family were carrying in a truck exploded and set the pickup afire.

Wesley Jones, 5, was declared dead at Providence Hospital at 2:08 p.m. Friday, about 23 hours after he suffered severe burns in the accident on Seward's Bear Creek Road.

Alaska State Trooper spokesman Paul Edscorn said the boy was apparently injured as he, his two siblings, his parents and a family friend rode in a 1979 Ford Club Cab truck after buying fire-

works at a stand on the town's outskirts.

Edscorn said Wesley, his 4-year-old stepsister, Camille Castillo, and his 6-year-old brother, Louis, were riding in the truck's back seat while their father, 41-year-old Kenneth Jones, rode up front with their mother, Linda Jones, and the driver, Seward resident Michael Corcoran.

As the vehicle traveled down Bear Creek Road, Edscorn said, the newly-purchased fireworks ignited.

"They have determined that there was a fairly large quantity of fireworks both in the front and rear seats — actually on the floor

in the front and rear," Edscorn said.

While the pyrotechnics exploded and flames swept through the truck's large cab, Corcoran and the elder Jones jumped from the truck and pulled the children from the pickup, Edscorn said.

Both men suffered burns to their hands and arms in the process, Edscorn said, and Jones was still hospitalized at Providence late Friday in serious, but stable, condition.

Louis Jones and Camille Castillo — airlifted to Providence with their father and Wesley after they were initially treated at Seward General Hospital —

See Explosion, page B-2

Explosion

Continued from page B-1

were listed in serious condition late Friday, hospital officials said.

Linda Jones was not injured, he said.

Edscorn said details of the incident remained sketchy Friday, because there were few witnesses to the fire besides its victims.

Still unknown, he said, was the cause of the fireworks' ignition.

"They're all gone," he said. "At this point, we just don't know."

Bear Creek Volunteer Fire Department Chief Len Weimar said his men found the truck burning after the blaze was reported about 4 p.m.

Doctors busy with victims of fireworks

By ROBERT FURLOW
The Associated Press

WASHINGTON — As traditional as July Fourth fireworks, day-after reports of firecracker injuries spread Friday as doctors who try to repair the damage sought greater awareness of dangers involved — and perhaps a national ban.

Dr. Sloane Wilson, a Little Rock, Ark., ophthalmologist, commenting during a break in a day of surgery on several accident victims, said: "When children lose their eyes it's a tragedy, and most of them simply aren't aware of the risk."

Wilson said he doubted a federal ban would be forthcoming. But he has begun a national survey on behalf of the American Academy of Ophthalmology, hoping to get a better idea of just how many injuries fireworks do cause and whether there is much difference between states that do and don't have laws limiting or banning sales and use.

Estimates by his and other medical groups now put the yearly injury toll at between 14,000 and 20,000, many of them around the fourth of July.

Dr. Joe Greensher, a Long Island, N.Y., pediatrician who is head of an accident prevention committee of the American Academy of Pediatrics, said, "There should be federal involvement," including a ban on general use of all but the smallest fireworks.

But he, too, said congressional action was unlikely, especially "with the present climate of letting business do things voluntarily."

"It's been a national problem for quite a number of years," he said in a telephone interview. "Here's another July Fourth gone by, and you see the reports," he added, noting in particular a news account he'd just heard of a 4-year-old Yonkers, N.Y., boy who'd lost parts of two fingers when a firecracker exploded in his hand.

Wilson, also speaking by telephone, said he had just been working on a 16-year-old boy who almost surely had lost his sight in one eye after being injured in a playful "fireworks war" in which teen-agers fire little firecracker rockets at each other.

Such little firecrackers, legal in many states, can reach a speed of 50 mph in a few feet, and erratic construction makes aim a guessing game, Wilson said.

A deaf ear

IT'S ALMOST unpatriotic to be concerned about the hazards inherent in the use of fireworks. After all, they're part of the nation's heritage — Fourth of July celebrations, state fairs, big festivals, carnivals and so on. Anyone who opposes the unrestricted use of fireworks finds himself in an uncomfortable position.

Yet the nagging thought persists that fireworks are dangerous and, as population increases, it makes more and more sense to limit fireworks to exhibitions staged by professional handlers.

THAT'S OUR VIEW from Anchorage. The view from Soldotna, where the Kenai Peninsula Borough sits, is quite different. Despite an overwhelming October advisory vote to the contrary,

the borough assembly decided this week to allow continued public sale and use of fireworks.

In that same election, Kenai voters rejected a compromise that would have imposed a seasonal ban on fireworks — opting, instead, for the year-round prohibition.

THE BOROUGH assembly now has proposed an ordinance calling for a seasonal ban. It will be voted on Dec. 17.

The assembly could wind up doing exactly the opposite of what the people said in those advisory votes two months ago. If nothing else, that may ensure that the fireworks issue on the Kenai Peninsula will remain an explosive one for some time to come.

Anchorage Times Advertiser
12-5-83

Fireworks ban likely after October public advisory vote

Continued from Page B-1

period between June 25 and July 5, outlaw sales to minors and outlaw the sale of sky-rockets.

"The vote was not a true representation of what the people really want," said Tom Patmore of Clarr Gulch. "The 3,307 people who voted for a total ban are only one-fourteenth of the borough's total population, only one-

sixth of the borough's registered voters and represent only 33 percent of the turnout" at the last election.

Kerry Martin of Seward viewed the income of the advisory ballot differently.

"Those that didn't vote gave up their rights," Martin said. "They don't care one way or the other. The people want a full ban on fireworks."

Assemblywoman Karen

McGahan, a staunch opponent of past efforts to regulate fireworks, agreed.

Before the election "we made it clear that we would accept the vote, that we would go the way the voters decided," McGahan said.

McGahan voted against a substitute ordinance that would have allowed winter fireworks sales. The assembly voted unanimously to schedule a public hearing on a

year-round ban.

Approval of the proposed ordinance will mark the second time this year that the assembly has voted to ban the sale and use of fireworks on the Peninsula.

Last spring, Borough Mayor Stan Thompson vetoed a similar measure. Since the advisory vote, however, Thompson has said he's not likely to veto a fireworks ban.

Fireworks ban nears approval

By RONNIE CHAPPELL
Daily News reporter

SOLDOTNA — Despite the pleas of distraught fireworks vendors, the Kenai Peninsula Borough Assembly Tuesday took the first step toward outlawing the sale and use of firecrackers, bottle rockets and other black-powder novelties.

Introduction of the ordinance came a month after an advisory vote in which Peninsula residents called for strict controls on the sale and use of fireworks.

The assembly will take final action on the measure Dec. 3.

"From the advisory vote it's clear that voters want fireworks restrictions, but what restrictions is not clear," said Louie March, president of the Alaska Fireworks Association.

Forty-four percent of those who participated in the advisory vote endorsed a total ban, while 38 percent favored seasonal restrictions.

March urged the assembly to restrict sales to a 10-day

See Page B-3, FIREWORKS

Anch Times 7-15-85

A ban on fireworks

ONE OF THESE days all local governments in Alaska will do what most of the cities already have done, and that's ban the private use of fireworks. Maybe the state will have to do the job through a simple bit of legislation that makes the old-fashioned pyrotechnics illegal.

Fireworks have been a part of America's heritage for a couple hundred years. But the fact is they've become too dangerous to be allowed, outside of professionally staged events. Those should be enough.

IN ANCHORAGE, fireworks have been banned for many years and their absence hasn't been all that hard to live with. But they're still permitted in other areas close by. The Kenai Peninsula is a ready example. It was there, near Seward, that a fireworks explosion in a camper took the life of a little girl on the Fourth of July

weekend.

Every year, it seems, someone is badly burned or disfigured or fatally injured while playing with fireworks. They just aren't worth the pain and suffering and grief.

THERE ARE THOSE who will argue that making fireworks illegal would be just one more erosion of the rights and liberties of individual citizens. Maybe it would be, but sometimes the greater public good must prevail.

We could still have fireworks — in all the public displays and exhibitions anybody would be willing to pay for. The job could be handled by professionals who know the perils involved.

But for the safety of other little girls — and little boys and their parents and friends — our Independence Day celebrations can do without people tossing firecrackers around.

Firecracker sets van afire on Ridgecrest

*Tundra
Drums
7/11/85*

A 1975 Chevy suburban was the only Bethel victim of fire cracker related incidents over the Fourth of July holiday.

Police said the vehicle caught fire in the post office parking lot after a 17-year-old juvenile tossed a fire cracker bottle rocket into a puddle near the car. The puddle apparently had some sort of flammable liquid in it,

and the fire cracker explosion caused it to catch fire.

The car, which belonged to the juvenile's parents, caught fire as well and officials estimated damage at at least \$2,500.

The incident, which happened on Saturday, is still under investigation but no charges have been filed, police said.

STATEMENT OF REPRESENTATIVE PAT POURCHOT
BEFORE THE
HOUSE STATE AFFAIRS COMMITTEE
CONSIDERATION OF HB 35, STATE REGULATION OF FIREWORKS

Madame Chair, Members of the Committee:

Thank You for the opportunity to comment on House Bill 35.

I like fireworks; I always have. I enjoyed shooting them off to commemorate Independence Day when I was a young boy. I particularly enjoy viewing fireworks displays with my family at Fur Rendezvous and on the Fourth of July. But as much fun and as great a tradition as shooting fireworks is, their misuse has become a big problem.

Municipalities around Alaska have addressed this by prohibiting the use and sale of all fireworks. The Municipality of Anchorage, City of Fairbanks, Fairbanks North Star Borough, Matanuska-Susitna Borough, Ketchikan Gateway Borough and Cities of Ketchikan, Seward, Cordova, Soldotna, and Valdez have all prohibited use and sale of fireworks within their boundaries. The Kenai Peninsula Borough is scheduled to vote on this issue within the month.

During much of June and July, in any of our major cities, you would never know fireworks were banned with the frequent aerial displays and explosions going on all over town both day and night. This is largely because any and all types of fireworks, including firecrackers, are legally bought and sold outside these municipalities, from adjacent areas governed only by state fireworks laws.

This bill is necessary to reduce the availability of the most dangerous and objectionable fireworks and to help enforce restrictions imposed by most municipalities. The bill would ban the sale statewide of firecrackers, bottle rockets, and skyrockets. The bill would continue to permit the sale of many safer, nonexploding fireworks, including sparklers, cones and wheels.

In no way does the bill restrict the permitted public fireworks displays, approved by the State Fire Marshall. The bill also allows sale and use of novelty fireworks, including glow worms and snakes, toy pistols, and toy cap guns. The state statutes, as amended by this bill, would not be as restrictive as most of the municipal prohibitions already on the books.

Thirty-five other states have restrictions on fireworks equal to or more restrictive than that which I have

proposed. This bill is modeled after one of the most recent such laws which was enacted in Kentucky.

Fireworks have become a significant public safety and nuisance problem. The Consumer Product Safety Commission reported that nationwide there were 8,277 injuries in 1983 from fireworks; 60 percent of those persons injured were children under age 15. Since 1974 there have been 74,000 fireworks related injuries.

In Alaska, since 1980, there have been 141 fireworks-caused fires, resulting in almost three-quarters of a million dollars in property damage. In Anchorage alone, last year, there were over 600 complaints to the Anchorage Police Department relating to the illegal use of fireworks, and there were 26 minor fires on July Fourth--caused by fireworks.

Some persons will suggest that this bill is serving to restrict personal freedom--they are right, and I agree. But, sometimes it is essential for government to step in and restrict activities when public health and safety are concerned.

Look at alcohol, for example. In response to alcohol abuse in our communities, government entities have raised the

legal drinking age; limited the business hours of taverns and liquor stores; and, in some rural communities, prohibited its importation and banned its presence--all efforts to reduce its availability. The Legislature is now considering banning a person's "right" to drink alcohol in a vehicle. I think you will agree that these efforts are justified and have been effective in helping to reduce alcohol related problems.

Like alcohol, with growing populations and increased use, the misuse of fireworks has become a significant public safety problem and nuisance. Regulation, as proposed in this bill is reasonable and fair. Fireworks retailers are not going to be put out of business. The 49 licensed retailers may continue to sell fountain, sparklers, and novelties, which I understand, are among the primary sources of their income.

I have heard one complaint about the bill which I think has merit. Retailers may have already stocked inventories of fireworks which would be banned by this bill. If this is true, I am amenable to working with them to address that specific concern.

Fireworks restriction is a concern which has been addressed by no less than three-quarters of the population of Alaska

- through the municipal prohibitions. Every municipality I have contacted, supports this bill.

I am available to answer any questions which you, the committee or our citizens participating via teleconference may have.

Thank you for the opportunity to speak on this issue.

Alaska

Position Paper

House Bill 35 - An act relating to state regulation of fireworks and providing for an effective date.

The Alaska Fire Chiefs Association supports the concept of this Bill in its effort to reduce the Alaska fire loss and injury rate.

It is without question that fireworks when mishandled do cause fires and injuries. But there is concern among the State Fire Chiefs as to whether this Bill will resolve the problem or become another unenforcible statute on the books. Of major concern also "is denial of unsafe things better than education of the user?" Our concern is not with the responsible user but with the uneducated and the irresponsible.

When we look in depth at available statistics, we find the problem is with noise late at night and early in the morning. Should there be a curfew?

The injury to the young (under age 16) is due to lack of supervision. Generally possession of fireworks by the young is unknown by responsible adults. Should we prohibit sales to ages under 16? Injuries to ages 16 and older are due to lack of education.

Fires are caused mostly by the uneducated and the young. Why? The thoughts of the Fire Service are that anybody can buy, locally or with little effort, anything they want. If what they got was illegal, it will be used illegally by young people, without parent's knowledge and by older persons in defiance of the law.

It is well recognized that there is point and counterpoint to every issue. The structure of this Bill is of vital concern to the Fire Service. This Bill has great merit in its concept to protect people and property but it challenges the people's right they have had for centuries, to celebrate with "gusto".

There is no question that bottle rockets, sky rockets, and firecrackers should not be allowed in the State. ~~We also believe the Bill should be carefully worded to state what cannot be sold, with less concentration on what can be sold.~~

POSITION PAPER

"HOUSE BILL 35 - An act relating to state regulation of fireworks, and providing for an effective date.

The Department of Public Safety supports this bill and any other measures that would help reduce Alaska's fire losses that keep our state first on the lists of property losses and deaths by fire in the entire United States. However, we believe this bill falls short of what is really needed; that is a total ban on the sale of "salable" or so-called "safe and sane" fireworks. Short of that, we will offer an amendment that will tighten up on the sale of fireworks.

The Alaska-National Fire Incident Reporting System (ANFIRS) indicates that, over the last 5 years, 141 fireworks caused fires occurred, with property losses approaching \$700,000. No casualties were reported. Unfortunately, we do not have a burn/injury registry program, so we cannot give you data on the numbers of people who are injured by fireworks and seek treatment at hospital, clinics and doctor's offices. The Consumer Products Safety Commission reported 8,277 fireworks caused injuries nationwide in 1983. 74,000 were injured over the 1974-1983 10 year period.

California and Oregon report that 1.5 percent of their fire losses are fireworks related. When you consider Alaska's losses, please remember our small statistical base. There were 130 retail sales permits and 7 wholesale permits issued in 1983 in Alaska. We do not know the quantities sold.

So, what is the answer? It is apparent that local control to enforce bans on the use of fireworks has failed. The following items highlight some of the more graphic incidents that have occurred over the last several years (see also copies of news clippings, attached):

- * Wildlands fire caused by fireworks costs \$5,000 to extinguish near Hope.

- * 339 acre fire near Soldotna costs \$90,000 to extinguish.

- * \$400,000 + structure in Metlakatla destroyed by fireworks caused fire.

- * 26 "minor" fires reported in Anchorage during a 24 hour period--cause?--fireworks.

- * Anchorage couple awakened when bottle rockets shot through window, igniting bed and living room carpet.

Public education will be suggested to teach the safe use of fireworks. The Journal of the American Medical Association (June 15, 1984) reports that "public education doesn't seem to help curtail the burns, cuts, and other injuries resulting from

fireworks accidents." When Washington changed its laws in 1982, legalizing fire crackers and some aerial devices, "they had a fair amount of public awareness," with a large fireworks safety education campaign. But, during the July 4 holiday after that change there were 82 injuries requiring emergency care--up from 39 a year earlier.

The National Safety Council says that a total ban on all fireworks--except those used by a professional pyrotechnician under controlled circumstances--is the best way to minimize fireworks-related injuries.

We cannot document any fireworks-related injuries in Alaska, but we have the details on property losses. Is more fire protection the answer? It seems ironic for the state to hand out millions of capital dollars for fire stations and equipment each year, and, at the same time to permit the sale of fireworks. That's like taking birth control pills after you're pregnant.

If legislation cannot be written to effect a total ban on the sale of "salable" fireworks, then we suggest this bill be amended to provide:

1. An increase in the amounts of public and property liability insurance.
2. A prohibition on the retail sale of "salable" fireworks by mail or telephone.
3. A limitation on the period of sales.
4. Sales to children under 16 years of age be prohibited.

Because the state licenses fireworks sales, we can be liable. Wrongful deaths create lawsuits of \$500,000; injuries such as the loss of eyesight are being settled for \$1,000,000 or more. The current limits of at least \$200,000 and \$50,000 are grossly inadequate.

The ability to purchase "salable" fireworks over the phone or by "mail order" totally destroys a local community's ability to ban sales and use.

A time limitation on the period of sales, such as from June 15 to July 6 of a calendar year will decrease the availability of fireworks, limiting their sales to the traditional holiday period.

Over 50 percent of the incidents in Alaska are attributable to "children with" as the ignition factor. Limiting sales to those persons over 15 years of age may reduce the number of incidents.

* * * * *

Most of the facts are here. The public (silent majority) seems to regard the use of fireworks as, not only a danger, but a nuisance. The Department of Public Safety is charged with the responsibility of developing ways and means of preventing fires. Give us the tools to do our job, if not a total ban, then a strengthening of the law.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Public Safety	DIVISION Fire Prevention	BILL NUMBER HB 35	SPONSOR Representative Pourchot
DEPARTMENT POSITION Support with amendments.			
PREPARED BY Gordon E. Brunton <i>gub</i>	DATE 1/23/85	COMMISSIONER'S SIGNATURE	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL AST/FWP Enforcement Assistance Local Fire and Police Departments DNR - Division of Forestry	CONSTITUENT GROUP(S) AFFECTED BY BILL General Public
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Contact was first made by Mr. Ed Hein, Legislative Affairs attorney who was drafting the bill at the request of Representative Pat Pourchot. Mr. Hein indicated the illegal use of fireworks in Anchorage was creating nuisances.

ANALYSIS OF BILL/PROGRAM EFFECTS

Generally restricts the types of "salable" fireworks. Eliminates aerial devices and all firecrackers.

Makes minor editorial changes, i.e., eliminates gender references; uses "U.S. Department of Transportation" vs "I.C.C.".

AMENDMENTS PROPOSED

- I. Amend to effect a total ban on the sale of "salable fireworks."
OR
II. Amend to:
- A. Increase the amounts of liability insurance.
 - B. Prohibit retail sale by telephone or mail order.
 - C. Limit sales to the period of June 15 - July 6.
 - D. Prohibit sales to persons under 16 years of age.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

INTRODUCTION OF BILLS. (cont'd)

HB 34. (cont'd)

The bill also changes population requirements for issuance of a new beverage dispensary or package store license or for relocation of that license. Currently a license may not be issued or transferred to a new location outside an incorporated city, a unified municipality, or an established village in a radius of five miles of the licensed premises or location of premises sought to be licensed if after issuance or transfer there would be more than one license for each 1,500 population. Rep. Miller's bill would prohibit issuance or relocation of the license outside those boundaries if there would be more than one license for each 3,000 population. The same increase in population limits would apply to licenses inside an established village, incorporated cities or unified municipalities if after the issuance or relocation, there would be more than one license for each 3,000 population inside the boundaries of the village, city or municipality (currently 1,500).

Introduced January 14 and referred to State Affairs, Judiciary, then Finance.

Fireworks
(rewriting
state law)

HOUSE BILL NO. 35, by Rep. Pourchot. Rewrites state law regulating the sale of fireworks. Would no longer allow sale of roman candles, skyrocket, helicopter type rockets, mines and shells, firecrackers with soft casings, and novelties consisting of two or more of the listed devices. The section of law defining the various types of fireworks is rewritten to more specifically describe those devices, and a new section is added to the law stating that the law does not apply to the sale and use in emergency situations of pyrotechnic devices and distress signals, the retail use of explosives, and certain types of novelty items that do not contain chemicals used in making fireworks. The law also does not apply to ammunition and blank cartridges.

Violation section is changed stating that a person who knowingly fails to comply with the law or fireworks regulations is guilty of a misdemeanor (currently a person who knowingly or wilfully fails to comply is guilty of a misdemeanor). Takes effect immediately.

Introduced January 14 and referred to State Affairs, then to Judiciary.

Appropriation
(special)
(Willow Creek
road access)

HOUSE BILL NO. 36, by Reps. Larson and Hurley. Makes a special appropriation in the amount of \$2,600,000 for payment as a grant to the Matanuska-Susitna Borough to provide road access to Willow Creek, and to provide parking, camping, and boat launch facilities. Requires appropriation to be disbursed in accordance with law governing grants to municipalities. Takes effect immediately.

Introduced January 14 and referred to Community & Regional Affairs, then Finance.

POSITION PAPER

CS HB35

For "An Act relating to state regulation of fireworks; and providing for an effective date."

The Department of Health and Social Services supports the intent of this bill for two reasons:

- 1) Fireworks contribute to fire losses, as documented by the State Fire Marshall;
- 2) Fireworks cause injuries, often to children, although no one as yet has documented fireworks injuries in Alaska.

BACKGROUND

According to the Centers for Disease Control of the United States Public Health Service, the State of Washington experienced a significant increase in burns, eye injuries, lacerations, and other injuries in 1982, after fireworks were made legally available outside Indian reservations. Based on reports from 14 hospitals in nine counties on July 4, the total number of fireworks injuries increased from 39 in 1981 to 88 in 1982. Burns, which increased from 17 to 46, accounted for most of the difference, with eye injuries increasing from 10 to 15, and lacerations from 3 to 8.

The Consumer Product Safety Commission estimates that 11,400 fireworks related injuries were treated at hospitals in 1981, with 8.8% subsequently being hospitalized. Approximately 45% of these injuries involved children under 14 years of age. Approximately 60% of the injuries were burns, and 25% were contusions, abrasions, and lacerations. Eye injuries account for some of the most disabling fireworks-related injuries.

The trend in fireworks-related injuries has been generally upward since 1975, when approximately 4,700 fireworks injuries were treated at hospitals.

Since 1966, the sale to consumers of large, Class B firecrackers, such as "cherry-bombs" and "M-80's," has been banned by Federal law because of the large amount of explosives they contain. In 1976, the Consumer Product Safety Commission lowered the permissible explosive charge in firecrackers to no more than 50 mg (0.772 grains) of powder and mandated performance, construction, and labeling specifications for all fireworks intended for public sale (collectively designated as Class C fireworks).

According to the National Fire Protection Association, the rate of injuries in States allowing many types of fireworks is more than seven times greater than that of states that ban all fireworks or allow only sparklers or snakes. The rate of fireworks related fires is 52 times greater.

POSITION PAPER/Department of Health & Social Services

Position Paper CS HB35
Page Two

The National Safety Council also reported 10 fireworks related deaths in 1980, verses 7 in 1979.

POSITION

The Department of Health and Social Services believes that restricting the sale of fireworks will result in reduced injuries, especially among children.

Recommended by: Robert I. Fraser
Robert I. Fraser, M.D.
Director
Division of Public Health

Date: 3/18/85

Approved by: John R. Pugh
John R. Pugh, Commissioner
Department of Health and
Social Services

Date: 3/19/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: FEB 1 1985

REQUEST

Bill/Resolution No.: HB 35
 Title: "An Act relating to state regulation of fireworks..."
 Sponsor: Repr. Pourchot
 Requestor: House State Affairs
 Date of Request: 1/28/85

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill amends AS 18.72.010(a) by changing the definition of "salable fireworks" and making some minor changes to the existing statute that regulates the sale of fireworks. There are currently 7 wholesale dealers and about 130 retail dealers licensed to sell fireworks in the state. During the past several years there have been about 12 fireworks sales violations by licensed dealers. By further restricting the types of fireworks that may be sold, most of those that go bang will no longer be salable, this bill could result

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: 1/30/85

Approved by Commissioner: Norman D. Gorsuch Date: 1/30/85
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE
HB 35
Page 2

ANALYSIS (Cont'd.)

in some additional misdemeanor prosecutions for violation of fireworks sales regulations. Based upon past experience, however, it does not appear that the increase in prosecution will be significant enough to warrant fiscal note costs. This is the type of bill that, when taken by itself, will not result in a fiscal impact. However, when taken in conjunction with other similar measures, bills of this nature divert prosecution resources from other more serious offenses because of their cumulative effect.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS HB 35
 Title: An Act Relating to State regulation of fireworks...
 Sponsor: Representative Pourchot
 Requestor: _____
 Date of Request: 3/18/85

FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Public Health
 BRU, Program or Subprogram(s) Affected: State Health Services BRU, Adm. Services, Emergency Medical Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert I. Fraser, M.D. *RF/017*
 Division: Public Health

Phone: 465-3090
 Date: March 18, 1985

Approved by Commissioner: *J. J. O'Connell*
 Agency: Health and Social Services

Date: 3/19/85 JCC

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 35
 Title: State Regulation of
Fireworks
 Sponsor: Representative Pourchot
 Requestor: House State Affairs
 Date of Request: 1-28-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: _____
Public Protection
 BRU, Program or Subprogram(s) Affected:
Fire Prevention

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-					
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: G.E. Brunton *GEB* Phone: 465-4331
 Division: Fire Prevention Date: 1/23/85
 Approved by: *G. Michael Chen* Date: 1-28-85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

Department of Public Safety
Position Paper

HOUSE BILL 35 - An act relating to state regulation of fireworks, and providing for an effective date.

The Department of Public Safety supports this bill and any other measures that would help reduce Alaska's fire losses that keep our state first on the lists of property losses and deaths by fire in the entire United States.

The Alaska-National Fire Incident Reporting System (ANFIRS) indicates that, over the last 5 years, 141 fireworks caused fires occurred, with property losses approaching \$700,000. No casualties were reported. Unfortunately, we do not have a burn/injury registry program, so we cannot give you data on the numbers of people who are injured by fireworks and seek treatment at hospitals, clinics and doctor's offices. The Consumer Products Safety Commission reported 8,277 fireworks caused injuries nationwide in 1983. 74,000 were injured over the 1974-1983 10 year period.

California and Oregon report that 1.5 percent of their fire losses are fireworks related. When you consider Alaska's losses, please remember our small statistical base. There were 130 retail fireworks sales permits and 7 wholesale fireworks permits issued in 1983 in Alaska. We do not know the quantities of fireworks sold.

- * Wildlands fire caused by fireworks costs \$5,000 to extinguish near Hope.
- * 33rd degree fire near Soldotna costs \$90,000 to extinguish.
- * \$400,000 + structure in Metlakatla destroyed by fireworks caused fire.
- * 26 "minor" fires reported in Anchorage during a 24 hour period -- cause? -- fireworks.
- * Anchorage couple awakened when bottle rockets shot through window, igniting bed and living room carpet.

Public education will be suggested to teach the safe use of fireworks. The Journal of the American Medical Association (June 15, 1984) reports that "public education doesn't seem to help curtail the burns, cuts and other injuries resulting from fireworks accidents." When Washington changed its laws in 1982, legalizing firecrackers and some aerial devices, "they had a fair amount of public awareness," with a large fireworks safety education campaign. But, during the July 4 holiday after that change there were 82 injuries requiring emergency care--up from 39 a year earlier.

The National Safety Council says that a total ban on all fireworks--except those used by a professional pyrotechnician under controlled circumstances--is the best way to minimize fireworks-related injuries.

We recommend the following amendments:

1. An increase in the amounts of public and property liability insurance.
2. A prohibition on the retail sale of "salable" fireworks by mail or telephone.
3. A limitation on the period of sales.
4. Sales to children under 16 years of age be prohibited.

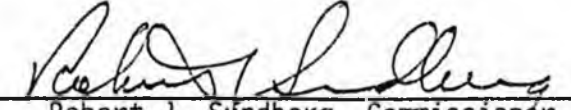
Because the state licenses fireworks sales, we maybe liable. Suit settlements for wrongful deaths are resulting in settlements averaging \$500,000. Settlements for wrongful injuries, such as the loss of eyesight, are being settled for \$1,000,000 or more.

The ability to purchase "salable" fireworks over the phone or by "mail order" totally destroys a local community's ability to ban sales and use.

A time limitation on the period of sales, such as from June 15 to July 6 of a calendar year will decrease the availability of fireworks, limiting their sales to the traditional holiday period.

Over 50 percent of the fireworks incidents in Alaska are attributable to "children playing with" as the ignition factor. Limiting sales to those persons over 15 years of age may reduce the number of incidents.

Most of the facts are here. The public seems to regard the use of fireworks as, not only a danger, but a nuisance. The Department of Public Safety is charged with the responsibility of developing ways and means of preventing fires. We urge passage of this bill with these amendments.


Robert J. Sundberg, Commissioner.

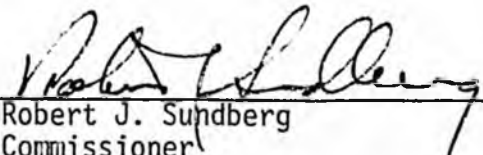
DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER

C5HB 35 (SA) - "An act relating to State regulation of fireworks."

The Department of Public Safety supports passage of this bill.

The bill will prohibit the sale of many of those pyrotechnics devices that, in addition to creating nuisances, cause fires and injuries. The Department's position paper on the original bill summarizes these losses.

While there may be an increase in illegal sales, we predict that there will be a reduction in the number of fires and injuries caused by previously so-called "salable" fireworks.


Robert J. Sundberg
Commissioner

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

Pouch 7-005
Anchorage, Alaska 99510
PHC #E: (907) 276-2653

9-2150

February 7, 1985

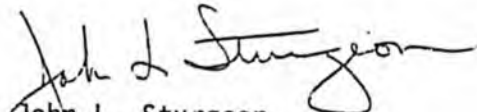
FEB 1 1985

House State Affairs Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Committee Members:

Please consider the enclosed position paper as testimony in support of
HB-35, relating to the State regulation of fireworks.

Sincerely,


John L. Sturgeon
State Forester

Enclosure

[Handwritten mark]

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY
Position Paper

House Bill 35 - An act relating to State regulation of fireworks and providing for an effective date.

The Division of Forestry supports the intent of this bill in that it would help reduce the number of wildland fires caused by fireworks and, subsequently, reduce the threat to human life, property, and the cost associated with suppression action for those fires.

The Division of Forestry has consolidated statistics of fires which were confirmed starts by fireworks. These statistics are derived from the Division of Forestry, the U.S. Bureau of Land Management, and the U.S. Forest Service, thus representing the primary wildland fire suppression agencies of Alaska.

During 1982, 1983, and 1984, 73 fires were started by fireworks in the above listed agencies' protection areas. They burned over 389 acres and accumulated suppression costs over \$73,500.00. These fires typically occur in and near urban areas, posing a high risk threat to life and property.

Annually, over 400 wildland fires are started by human carelessness in Alaska with suppression costs averaging over \$3 million. House Bill 35 supports the fire prevention objectives for reducing human-caused fires and suppression costs.

FEB 5 1985

City of Valdez



VALDEZ FIRE DEPARTMENT
OFFICE OF THE CHIEF
January 29, 1985

The Honorable Pat Pourchot
House of Representatives
Pouch V (Mail Stop 3100)
Juneau, Alaska 99811

Dear Representative Pourchot:

I am writing in support of HB 35. The City of Valdez has banned the use and possession of fireworks within its corporate boundaries for many years by adopting and enforcing the Uniform Fire Code.

Enforcement in the past three years has become very difficult as several fireworks stands set up just outside the city limits and sell to whomever passes by.

In August of 1983 the Valdez city council considered the repeal of the section pertaining to fireworks at the request of citizens wishing to use them. The council determined at that time that many more people were against fireworks, and, due to the serious injuries caused by them let the ordinance stand.

I highly support any legislation that will ban or severely restrict the use of fireworks in the State of Alaska. The damage done to the peace of mind of our citizens, their animals, injuries suffered and the fires that are started by fireworks are not justified by the so-called enjoyment of a few.

Sincerely,

Thomas W. McAlister
Fire Chief



National Safety Council

National Safety Council Policy on

USE OF FIREWORKS

POLICY

The National Safety Council opposes the use of fireworks by adults and children, except by professional pyrotechnicians under controlled conditions.

BASIS

The misuse of fireworks by adults and children continues to cause several thousand needless injuries and deaths each year. Such accidents occur in spite of legislation banning the sale of certain types of fireworks in many states, as well as recently enacted federal regulations.

Enforcement of these regulations is exceedingly difficult, or lax, and use of fireworks continues to be a common practice.

IMPLEMENTATION

The National Safety Council supports in principle the public displays of fireworks under controlled conditions, but advocates more stringent regulations prohibiting the sale and indiscriminate use by adults and children. It is very evident that present regulations have not achieved the predicted reduction in fires and in deaths and injuries to children and adults from fireworks.

The National Safety Council strongly urges appropriate federal and state agencies to rigidly enforce existing regulations prohibiting sales of fireworks or their ingredients.

And it encourages local and state authorities to more diligently enforce existing legislation banning the sale and use of fireworks by the general public.

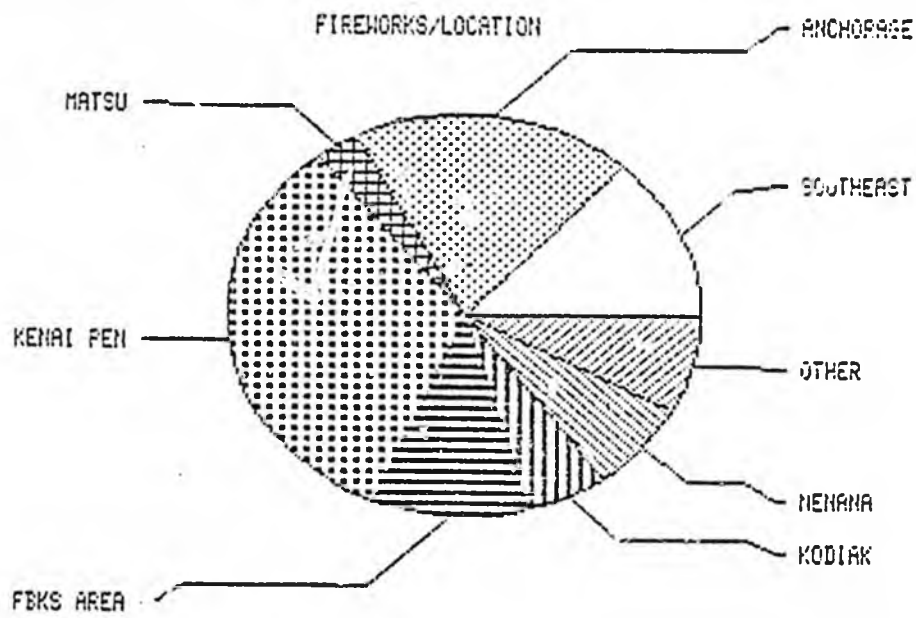
The National Safety Council calls upon all organizations and agencies concerned with the safety of the American public to intensify their educational efforts to inform adults and children regarding the hazards inherent in the use of fireworks.

LOCATION OF FIRES CAUSED

BY

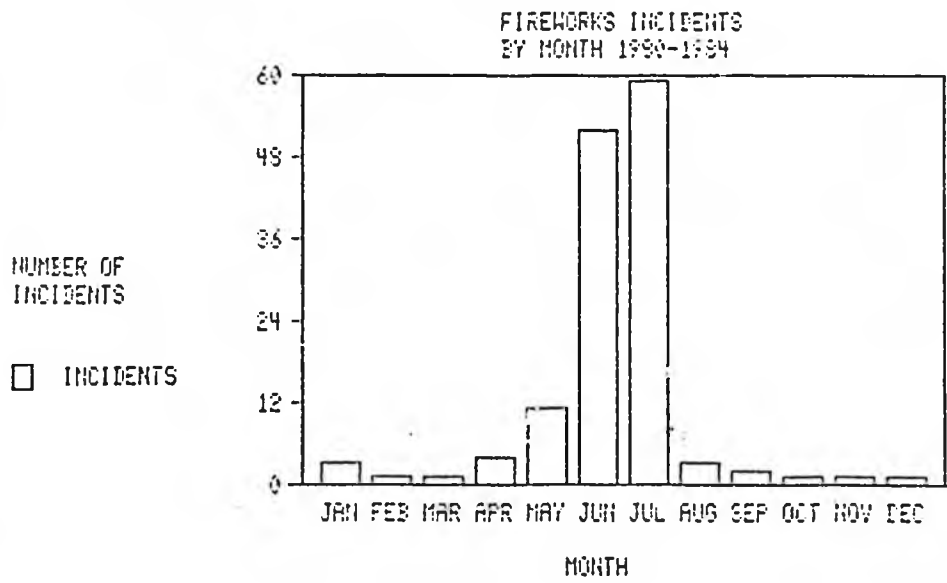
FIREWORKS

1980-1984



Source: ANFIRS

FIRES CAUSED BY
FIREWORKS
BY MONTH



Source: ANFIRS

KEY TO FIREWORKS SPECIAL REPORT (1/16/85)

FDID = Fire Department Identification Number

INCIDENT ID = Incident Number

FIXED PROPERTY USE

- 103 - Tavern
- 213 - Elementary School
- 215 - High School
- 411 - Single Family Dwelling
- 422 - 3-6 Unit Apartment
- 424 - Over 20 Unit Apartment
- 549 - Specialty Shop
- 573 - Motor Vehicle Repair, Paint Shop
- 591 - General Business Office
- 642 - Electric Transmission, Distribution System
- 648 - Sanitary Service
- 661 - Forest
- 664 - Tree (growing)
- 809 - Storage Property, Unclassified
- 856 - Log, Timber, Stored
- 884 - Heavy Machinery Storage
- 899 - General Item Storage
- 910 - Construction Property
- 911 - Building under Construction
- 915 - Vacant Property
- 931 - Open Land, Field
- 933 - Mailbox
- 936 - Vacant Log
- 939 - Outdoor Property, Not Classified
- 946 - Inland Water Area
- 951 - Railroad Right of Way
- 961 - Limited Access Highway
- 964 - Unpaved Street, Road
- 965 - Uncovered Parking Area

FORM OF HEAT OF IGNITION

- 63 - Fireworks
- 60 - Heat from Explosive, Fireworks; Insufficient Information to Classify Further
- 69 - Heat from Explosive, Fireworks, Not Classified Above

ANFIRS ONLINE MASTERFILE
SPECIAL REPORT
ALL INCIDENTS WITH FHI = 60, 63, OR 69 (FIREWORKS)

	FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGN.	TALLY
<i>JULIENNE</i>	11100	280127	7/29/82	661	600		63	
	FDID TOTAL				600			1
<i>LIHAKS</i>	12100	400036	7/05/84	931			63	
	FDID TOTAL							1
<i>KENNAKAW</i>	13000	000198	6/11/80	664			63	
	FDID TOTAL							1
<i>POND RICE</i>	13100	090003	7/07/80	661			63	
	FDID TOTAL							1
<i>ALYCEGATE</i>	13400	000036	6/16/80	931			63	
	13400	000037	6/19/80	856			63	
	13400	000038	6/21/80	411	3,000		63	
	13400	000043	6/29/80	931			63	
	13400	100078	6/09/81	411	100		63	
	13400	100080	6/13/81	411	100		63	
	13400	100090	7/17/81	591	515,000		63	
	FDID TOTAL				518,200			7
<i>CRUIE</i>	13500	300002	7/04/83	411			63	
	FDID TOTAL							1
<i>SITKA</i>	14000	000068	7/04/80	965			63	
	14000	100060	5/03/81	661			63	
	14000	280112	7/05/82	411	3,500		63	
	14000	400097	7/05/84	163	300		63	
	FDID TOTAL				3,800			4
<i>PERKINSBURG</i>	15000	280030	7/03/82	964			63	
	15000	300022	7/04/83	411			63	
	FDID TOTAL							2
<i>YAKUTAT</i>	16000	000003	6/14/80	591	2,000		69	
	FDID TOTAL				2,000			1
<i>SEWILLANBIL</i>	20000	090072	7/01/80	915			63	
	20000	300001	6/26/83	549	2,300		63	
	FDID TOTAL				2,300			2
<i>AMHERST</i>	23100	006633	2/02/80	962	20,000		60	
	23100	001501	5/14/80	964			63	
	23100	101607	5/30/81	951			69	
	23100	101917	6/21/81	911			63	
	23100	102174	7/10/81	213	10,000		60	
	23100	102699	8/25/81	931			63	
	23100	103125	10/02/81	809	2,000		60	
	23100	200193	1/16/82	884	15,000		60	

ANFIRS ONLINE MASTERFILE
SPECIAL REPORT
ALL INCIDENTS WITH FHI = 60, 63, OR 69 (FIREWORKS)

FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGN.	TALLY
23100	202131	6/21/82	946	100		63	
23100	202317	7/03/82	910	100		60	
23100	300001	1/01/83	965			63	
23100	301701	5/13/83	936			63	
23100	302628	7/04/83	936			63	
23100	302796	7/15/83	936			63	
23100	303063	7/31/83	965			63	
23100	401418	4/20/84	414			63	
23100	401959	5/18/84	917	60,000		63	
23100	402704	6/30/84	931			63	
23100	402770	7/04/84	965	2,700		63	
23100	402787	7/04/84	965			63	
23100	402793	7/04/84	936			63	
23100	402821	7/05/84	931			63	
FDID TOTAL				109,900			22
<i>ENDICOTT</i>							
23160	100021	7/05/81	931			63	
23160	400030	7/05/84	931			63	
23160	400031	7/05/84	931			63	
23160	400035	7/07/84	931			63	
FDID TOTAL							4
<i>SOUTH FORK</i>							
23500	280041	7/06/82	936			60	
FDID TOTAL							1
<i>VALDEZ</i>							
24100	300166	12/09/83	411			63	
FDID TOTAL							1
<i>GLENNVILLE</i>							
24300	400012	5/27/84	661			63	
FDID TOTAL							1
<i>LAKEES</i>							
25150	400043	3/28/84	936			63	
25150	400062	4/28/84	931			63	
FDID TOTAL							2
<i>WILLIS</i>							
25220	400003	7/01/84	931			63	
25220	400010	7/01/84	931			63	
FDID TOTAL							2
<i>KENNA</i>							
26100	181055	6/25/81	931			63	
26100	181061	7/02/81	936			63	
26100	181062	7/04/81	936			63	
26100	181063	7/04/81	936			63	
26100	300042	6/22/83	931			63	
26100	300045	6/25/83	936			63	
26100	300049	7/04/83	931			63	
26100	300053	7/10/83	936			63	
26100	400051	7/06/84	936			63	
FDID TOTAL							9

ANFIRS ONLINE MASTERFILE
SPECIAL REPORT
ALL INCIDENTS WITH FHI = 60, 63, OR 69 (FIREWORKS)

	FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGH.	TALLY
<i>MIRISKI</i>	26200	100032	7/04/81	931			63	
	26200	100033	7/04/81	931			63	
	26200	100034	7/06/81	931			63	
	26200	100036	7/08/81	931			63	
	26200	100038	7/08/81	931			63	
	26200	300050	6/06/83	931			63	
	26200	400043	7/06/84	422			63	
	26200	400044	7/06/84	931	1,000		63	
	26200	400049	8/12/84	915			63	
		FDID TOTAL				1,000		
<i>SILVER NIX</i>	26300	300027	6/02/83	931			63	
	26300	400032	5/18/84	931			63	
	26300	400035	6/02/84	931			63	
	26300	400036	6/03/84	931			63	
	26300	400041	6/12/84	931			63	
	26300	400055	7/16/84	931			63	
	26300	400064	8/14/84	931			63	
	FDID TOTAL							7
<i>COOPER LANDING</i>	26310	400005	6/14/84	664			63	
	26310	400007	6/21/84	664			63	
	26310	400008	6/30/84	664			63	
	FDID TOTAL							3
<i>RIDGEWAY</i>	26320	280011	7/05/82	899	10,000		63	
	26320	300020	6/20/83	661			63	
	26320	300022	6/25/83	661			63	
	26320	400012	5/27/84	661			60	
	26320	400013	6/03/84	661			69	
	FDID TOTAL				10,000			5
<i>SEWARD</i>	26400	400017	6/02/84	411			63	
	26400	400021	7/03/84	931			63	
	26400	400022	7/03/84	939			63	
	FDID TOTAL							3
<i>BEAR CREEK</i>	26401	181010	6/20/81	936			63	
	26401	400014	6/21/84	661			63	
	FDID TOTAL							2
<i>MOUSE PASS</i>	26410	400003	6/13/84	931			63	
	FDID TOTAL							1
<i>HOMER</i>	26500	079050	6/08/80	931			63	
	26500	180061	6/22/81	931			63	
	26500	180066	6/23/81	931			63	
	26500	300087	9/11/83	931			63	
	26500	400071	5/27/84	931			63	

ANFIRS ONLINE MASTERFILE
SPECIAL REPORT
ALL INCIDENTS WITH FHI = 60, 63, OR 69 (FIREWORKS)

	FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGN.	TALLY
	26500	400088	6/26/84	931			63	
	26500	400096	7/04/84	931			63	
	FDID TOTAL							7
<i>SELDONIA</i>	26600	400006	7/04/84	949			63	
	FDID TOTAL							1
<i>KODIAK</i>	28100	000082	6/22/80	931			63	
	28100	000087	6/28/80	931			63	
	28100	100080	6/23/81	931			63	
	28100	100081	6/25/81	573			63	
	28100	100083	7/01/81	931			63	
	28100	100088	7/04/81	965			63	
	28100	100090	7/06/81	931			63	
	28100	200002	1/05/82	424			63	
	FDID TOTAL							8
<i>DILLINGHAM</i>	29100	100002	7/04/81	931			63	
	29100	100003	7/04/81	931			63	
	29100	100005	7/05/81	931			63	
	29100	100006	7/06/81	931			63	
	FDID TOTAL							4
<i>ELLERBANKS</i>	31100	000183	4/03/80	411	18,500		63	
	31100	000667	11/04/80	422			63	
	31100	200432	6/22/82	648			69	
	31100	200641	9/24/82	215	300		69	
	31100	400587	7/11/84	933	30		63	
	FDID TOTAL							5
<i>WORTH FIELDS</i>	31300	400281	7/05/84	965			63	
	FDID TOTAL							1
<i>FT. WASHINGTON</i>	31400	100406	4/17/81	931			69	
	31400	100598	6/10/81	931			69	
	FDID TOTAL							2
<i>NORTH POLE</i>	31500	100047	6/11/81	424			63	
	31500	280051	5/21/82	215	100		63	
	31500	280053	5/26/82	215	600		63	
	FDID TOTAL							3
<i>NORTH STAR</i>	31600	300096	6/24/83	931	1,500		63	
	31600	400068	5/14/84	931			63	
	31600	400123	7/18/84	936			63	
	FDID TOTAL							3
<i>CINCINNATI GOLDSTREAM</i>	32500	280038	6/30/82	939	650		63	
	FDID TOTAL							1

ANFIRS ONLINE MASTERFILE
 SPECIAL REPORT
 ALL INCIDENTS WITH FHI = 60, 63, OR 69 (FIREWORKS)

	FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGH.	TALLY
<i>NEENAH</i>	34210	080052	7/02/80	951			63	
	34210	100011	6/17/81	931			63	
	34210	100012	6/21/81	931			63	
	34210	100013	6/23/81	931			63	
	34210	100014	7/04/81	931			63	
	34210	100015	7/04/81	931			63	
	34210	280014	6/06/82	931			63	
	34210	280017	6/26/82	931			63	
	34210	300027	6/24/83	961			63	
	34210	400019	5/25/84	931			63	
	FDID TOTAL							10
<i>TRI-VALLEY (NEENAH)</i>	34305	300031	6/25/83	642			63	
	FDID TOTAL							1
<i>TOK</i>	38100	000003	6/04/80	936			63	
	38100	000004	6/16/80	936			63	
	FDID TOTAL							2
FINAL TOTALS					662,460			141

141 RECORDS TOTALED

NOTES TO DECISIONS

This section represents an erroneous belief that cities are not liable in tort for negligence connected with fire-fighting activities. City of Fairbanks v. Schaible, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962).

As a city which maintains a fire department may be held liable for injuries resulting from negligence con-

nected with the department's firefighting activities. City of Fairbanks v. Schaible, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962). See contra: City of Fairbanks v. Gilbertson, 16 Alaska 590 (1957), aff'd, 262 F.2d 734 (9th Cir. 1959), where § 56-2-2 ACLA 1949 (now AS 09.65.070) was ignored by both the district court and the Court of Appeals.

Collateral references. — Fire departments as pertaining to the governmental or to the proprietary branch of munic-

ipality. 9 ALR 143; 33 ALR 688; 84 ALR 514.

Sec. 18.70.160. Agreement not to affect insurance rates or liability. An agreement made under AS 18.70.150 and 18.70.160 shall be carried out in a manner which does not raise insurance rates. An agreement may not reduce the liability of an insurance company in case of loss during the absence of men and equipment. (§ 1 ch 92 SLA 1957)

Article 4. General Provisions.

Section

300. Definition of building

Sec. 18.70.300. Definition of building. In this chapter "building" means a structure, installation, facility, or edifice erected or in the process of being erected and which is used or intended for use as a commercial, industrial, business, institutional, other public building, or residential building containing four or more dwelling units. (§ 4 ch 176 SLA 1968; am § 27 ch 32 SLA 1971)

Revisor's notes. — In ch. 176, SLA 1968, this section was numbered 18.70.165.

Chapter 72. State Regulation of Fireworks.

Section

10. Regulation of sale of dangerous fireworks
20. Regulation of sale of salable fireworks

Section

30. Fireworks wholesaler's license
40. Violation
50. Definitions
60. Application of chapter

Collateral references. — 31 Am. Jur. 2d, Explosions and Explosives, §§ 1-3, 48-52.

35 C.J.S., Explosives, §§ 1-3, 12, 13.

Bond conditioned for payment of damages for injury to person or damage to

property, given as condition of permission by public for fireworks display or other exhibition or entertainment, as covering non-negligent injury or damage. 138 ALR 936.

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. (§ 1 ch 116 SLA 1969)

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 fireworks to the person, in the amount of at least \$200,000 for bodily injury or death and at least \$50,000 property damage and the person is named as an insured party upon the policy and the policy is continuously in force while the person 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 the 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. (§ 1 ch 116 SLA 1969; am § 1 ch 24 SLA 1981)

Effect of amendments. — The 1981 amendment deleted "to the" preceding "fireworks," substituted "to the person" for "retailer" following "fireworks," substi-

tuted "\$200,000" for "\$300,000" preceding "for bodily injury," substituted "\$50,000" for "\$100,000" preceding "property damage," deleted "upon which policy the state

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and all governmental subdivisions of the state" preceding "and the," substituted "person is" for "permit holder shall be" preceding "named as," substituted "an insured party upon the policy" for "additional insureds," following "named as,"

substituted "the policy is" for "which shall be" preceding "continuously in force," and substituted "person" for "permit holder" preceding "is engaged" in subsection (a) (1).

NOTES TO DECISIONS

Injunction to halt enforcement of section. — See State v. Norene, Sup. Ct. Op. No. 572 (File No. 1167), 457 P.2d 926 (1969).

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 \$50.

(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. (§ 1 ch 116 SLA 1969; am § 2 ch 24 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "\$50" for "\$500" following "annual license fee of" in subsection (a).

Sec. 18.72.040. Violation. A person who knowingly and wilfully fails to comply with a provision of this chapter or fireworks regulations adopted in 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. (§ 1 ch 116 SLA 1969)

Sec. 18.72.050. Definitions. In this chapter and fireworks regulations adopted in 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 $\frac{3}{8}$ inch;

(B) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed $\frac{1}{2}$ 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 $\frac{1}{2}$ inch;

(D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed $\frac{3}{4}$ 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 $\frac{1}{2}$ 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. (§ 1 ch 116 SLA 1969)

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 May 23, 1969, which are less restrictive than 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. (§ 1 ch 116 SLA 1969)

§ 18.72.060

§ 18.75.010

HEALTH AND SAFETY

§ 18.75.060

Chapter 75. Licensing and Control of Dogs.

Section

10—30. [Repealed]

40. Power of village council to control dogs

50—60. [Repealed]

Sec. 18.75.010. Extension of dog control ordinances.

Repealed by § 9 ch 109 SLA 1966; § 1 ch 118 SLA 1972.

Editor's notes. — The repealed section derived from § 1, ch. 120, SLA 1962.

Secs. 18.75.020 — 18.75.030. Dog tags; enforcement.

Repealed by § 1 ch 118 SLA 1972.

Editor's notes. — The repealed sections derived from §§ 2, 3, ch. 120, SLA 1962; § 6, ch. 109, SLA 1966.

Sec. 18.75.040. Power of village council to control dogs. (a) A village council duly elected by residents of an unincorporated village not within an organized borough may destroy loose dogs in the village and may otherwise control dogs to the extent authorized first class cities.

(b) The council may impose and enforce the provisions of a dog control ordinance in the total area within 20 miles of the village. The ordinance must generally describe the area in which it is imposed. If two villages having dog control ordinances lie within 40 miles of each other, the jurisdiction of each village terminates at a point midway between them. (§ 4 ch 120 SLA 1962; am § 7 ch 109 SLA 1966)

Cross references. — As to killing of vicious or mad dogs, see AS 03.55.010. As to killing dogs annoying or evincing tendency to bite animals or fowl, see AS 03.55.030. As to permitting animals to be at large, see AS 11.60.200.

Collateral references. — 4 Am. Jur. 2d, Animals, §§ 20-25, 40-45.
3A C.J.S., Animals, §§ 11-13, 287-289.
Police power as authorizing statute providing for destruction of dogs. 56 ALR2d 1033.

Secs. 18.75.050 — 18.75.060. Enforcement; exemption.

Repealed by § 1 ch 118 SLA 1972.

Editor's notes. — The repealed sections derived from §§ 5, 6, ch. 120, SLA 1962.

NEWSCLIPPINGS

7/7/83

Opinion

JOURNAL EMPIRE

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JEFFREY A. WILSON

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FRED HOWARD ROBIN HERDMAN PAUL

DONNA GRUNOW

Enforce local fireworks ban

There can be no doubt that the Fourth of July has become a party, and that of course, the fireworks and fireworks problem must be solved.

There is one thing we let you didn't know about fireworks. They are illegal. Under city borough code, the sale or use of fireworks is prohibited. The only exceptions are public displays such as that presented by the city-borough, and they must have special permits. Fireworks are a Fourth of July tradition. So too are fireworks injuries and fireworks-caused fires. According to the U.S. Consumer Product Safety Commission, 74,000 people have been injured by fireworks during the last 16 years. Those injuries were mainly to eyes, ears and hands. Fires started by fireworks also cost the public in property damage and time spent by firefighters extinguishing them. Just last year, local firefighters were called to douse a fireworks-caused blaze.

Because fireworks had not posed a serious problem in the past, local authorities had not strictly enforced the prohibition.

This year's proliferation of the use and abuse of fireworks, however, is forcing the hand of local authorities. Already, city-borough officials are looking at the alternatives, which include:

- enforcing the prohibition, which first would require publicizing it. This year, authorities had their hands tied because the ban had not been publicized. The reason it hadn't been publicized is fireworks hadn't been the problem in past years, that it was this year.

- abolishing the prohibition. If it is not enforced, why have it?

We would opt for publicizing and enforcing the prohibition. It will stem the growing threat to public safety posed by the inconsiderate and unsafe use of fireworks.

Fireworks highlight festivities

Midnight display is bigger than last year — Parker

By KYOHAKENOLE

Fireworks residents will be treated to a midnight display of fireworks which will start up between seven o'clock and midnight on the 1st of July this year.

There will be hundreds of shells and rockets and other fireworks which will be exploded in the city and town. Parker, chairman of the committee organized the display which will approximate 15 minutes. It will be most visible from downtown Junction and West Junction.

A barge carrying a crew of fireworks handlers, EMIs and several firemen will be in Gaslineau Channel to shoot the colorful explosives into the air. For safety, boat owners should keep a distance of at least 300 feet from the barge, Parker said.

As with most shows, the midnight fireworks display will start small and end big. Predominant colors will be red, white and blue, although there will be some yellow and

blue shells.

A committee of seven men took to the water and a crew to arrange of setting them off in a special boat 40 or 50 feet long. A committee of five men, including Parker, will be in charge of the performance.

Not to be outdone by the two other cities, West Junction will also have a display. The committee there will be in charge of the fireworks. The city of West Junction has a committee which will be in charge of the fireworks. The shells creating bursts of very bright light will also be in the show. From Chinese wheels will be displayed from the barge too. Although three feet across, when lit these wheels are said to have an effective radius of 10 feet, Parker said.

The shells were purchased from the Pyrotecne Company of Red Devil Fireworks Company, as they like to call themselves in Tacoma, Wa., Parker said. Most of the purchased shells were made in Taiwan. Shells from Brazil and Canada will also be in the show.

There are more plans and a lot more fireworks than last year, Parker said. About 100 shells, costing \$1,000, were purchased for the year. A committee of five men, including Parker, will be in charge of the performance. The shells will be in the water and a crew to arrange of setting them off in a special boat 40 or 50 feet long. A committee of five men, including Parker, will be in charge of the performance.

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Fireworks fires burn up fire fighters

As the season
to be careful

"Fireworks are one of those apple pie and motherhood things," said Kenai Fire Chief Walt Winston. People cling to the tradition of setting them off to celebrate, especially in the summer.

While fireworks symbolize a good time for most people, they represent added fire danger to area firefighters. So far this summer, Kenai, Soldotna and Ridgeway have each had one fireworks-caused fire, and a Nikiski Fire Department spokesman said he wouldn't be surprised if that office handles some this summer.

The fires so far have been small brush fires which have been put out quickly and with a minimum of damage. But costs do

add up, and the potential for a major fire is there, department spokesmen said.

Winston said that last year the Kenai Fire Department put out 8-10 fireworks-caused fires. Because fire fighters are on duty all the time, there aren't any increased wage costs when they fight a fire. But Winston said other expenses on the brush fires average \$200 — \$300 per blaze.

The sale, use and possession of fireworks are banned within the city limits of Kenai and Soldotna. But they can be and are sold and used in unincorporated areas of the borough.

One sign of summer in this area are the fireworks stands which sprout up, especially along the Soldotna city limits. The stands remain up all summer, providing a ready supply for the fireworksophile.

The main problem seems to be the careless use of fireworks. Lt. John Heath of Nikiski said he thinks most fireworks fires are caused by rocket-type devices. "People really have no control over where they go," he said, "and they stay hot for two to three minutes."

No fireworks stands have been set up this year in the Nikiski area, and Heath said that may be the reason no fireworks fires have been reported there. A lack of local suppliers dramatically reduces the number of children buying fireworks, he said.

Heath said most of the fireworks fires he's seen have been caused by children. Winston said "it's about 50-50 between kids and adults. It's just careless use and adults are probably more careless than the kids."

See PENINSULA, back page

ALASKA CLIPPING SERVICE

The Peninsula
Clarion
Kenai, AK

JUN 15 1984

ALASKA CLIPPING SERVICE

Juneau Empire
Juneau, AK

JUL 1 1984

Peninsula fireworks

Continued from Page 1

"A lot of people don't realize the makeup of fireworks," Winston continued. The dry cardboard wadded up in the cones and other devices smolders on long after the sparkle has died out, he said.

Peninsula fire chiefs have lobbied the Borough Assembly for the past five years, trying to get the sale and use of fireworks banned on the entire peninsula.

Each year the Assembly has rejected the plan. Winston said he thinks the Assembly's action is a mixture of sentimental feelings toward fireworks, a casual attitude about their use and a feeling that a ban would be unenforceable.

Kenai and Soldotna have found it isn't possible to keep fireworks out of residents' hands entirely. Mike Huckabay of the Soldotna Fire Department said he doesn't feel there are many violations within the city limits.

The most visible evidence of violations within Kenai is found on the beaches of Cook Inlet. Remains of fireworks are found near the city's sewage treatment plant.

Winston pointed out that it's illegal to use fireworks on the beach. Although the sand may appear to be a fire-safe area, Winston said that isn't the case. "There is fire danger on the beach, in the grass on the bluff and on that berm area. We've had a couple of fires there over the years."

All three fire departments conduct fire safety programs for area school children.

But Winston was the only one who said fireworks safety is included. Heath said fireworks aren't a topic that usually come up during the winter, but he said he might add it to his program.

With or without a fireworks safety program, there are a few simple rules that everyone can follow to use fireworks in a prudent and enjoyable way.

- Children should never be allowed to use fireworks of any kind without adult supervision.
- Fireworks should be used on a fire-proof surface, such as cement, or well-watered grass.
- Fireworks should be kept away from trees, bushes, dry grass and buildings.
- After allowing a moment for the devices to cool off, they should be disposed of in a bucket of water.

'Thank you' for help at Funter Bay fire

Dear Editor:

Our Funter Bay home, warehouse and tool shed were destroyed by a fire the evening of the 4th of July.

All of our neighbors and many friends and visitors that were in the bay for the 4th came to help as soon as the smoke was seen. Fire fighters were brought from town by helicopters, several of the firemen staying until morning. Without all of this help the Austin house and many more of the surrounding trees would have been lost.

Although the fire destroyed most everything we had at the bay we were not hurt. We came back to Juneau with little to carry but with something more important than the things we lost — they can be replaced.

Most important and what will never be forgotten is the fact that when we needed them our neighbors, friends and even strangers came to help. Words can not express the gratitude and appreciation we feel. Our very, very sincere thanks to everyone.

Sincerely,
Mary and Harold Hargrave
Funter Bay

Anniversary
Suggested

ALASKA CLIPPING
SERVICE

Homer News

Homer AK

APR 5 - 1984

Assembly defeats plan to ban sale of fireworks during fire danger

Special to the Homer News

SOLDOTNA — For the third time in a year, the fuse has sputtered and died on efforts to curb the sale and use of fireworks on the Kenai Peninsula.

Tuesday night the Borough Assembly voted 11-5 to extinguish an ordinance prohibiting the sale of blackpowder toys during periods of high fire danger.

Local fireworks vendors opposed the restriction, saying it would be unfair to require them to monitor the media in order to find out if and when state officials ban open burning. Such bans are commonly announced during the course of the summer season.

Members of the Alaska Fireworks Association contended the ordinance would only duplicate state laws, and claimed that fireworks have never been conclusively linked to a forest fire in Alaska. Borough Mayor Stan Thompson spoke against the ordinance, saying the problem was not the sale of fireworks during times of dry weather, only their irresponsible use.

"Let's not pass our first restrictive ordinance," he said.

The assembly's action means the peninsula will remain a mecca for fireworks merchants and those who delight in their wares.

The sale and use of fireworks are outlawed in Anchorage, Kenai, Soldotna, Seward and Homer, but the

pyrotechnics can be legally purchased from dozens of vendors who set up shop every summer along the highways.

A year ago the assembly considered a similar ordinance, but the move failed, as did an effort to limit fireworks sales to a few short weeks in summer.

In other business the assembly appropriated \$195,000 to cover the cost of an unexpected 6,000 ton garbage overrun at the Kenai and Soldotna landfills. So far, 18,931 tons of solid waste have been processed at the two Central Peninsula land-

fills this year, up almost 50 percent over last year.

The assembly also agreed to trade 11.6 acres of land along the Kaslof River for three bluff lots in Clam Gulch, which total 6.7 acres of usable land and 350 feet of frontage on Cook Inlet.

Assemblyman Phil Nash of North Kenai argued that the borough should retain public land on peninsula salmon streams. But Mr. Thompson pointed out that the borough would keep a 50-foot easement along the river, and a 50-foot access easement through the property to the river.

Fireworks-caused fires cost \$5,000 to put out

Fires started by fireworks on the Chugach National Forest are costly to fight, according to forest Supervisor Dalton Du Lac. "The public is looking at approximately \$5,000 for Forest Service efforts in fighting a recent six-acre blaze set off by fireworks in the Hope area," he said.

Residents unable to control the fire burning in the beetle-killed spruce three miles south of Hope in the Resurrection Creek drainage called in the Forest Service to help extinguish the flames.

Forest Service crews continue to clean up and secure this summer's second fire caused by fireworks, he said. A state of Alaska helicopter

based at Soldotna also assisted by dropping water to douse the flames.

Mr. Du Lac said, "The first fire started by fireworks was at Quartz Creek campground earlier this summer. It was controlled by Forest Service crews and volunteers from the Cooper Landing Fire Dept."

Although forest vegetation is fairly green this year, spring and summer rains have not wet things down enough to relieve the fire danger, he said.

"With grass, needles, and leaves being as dry as they are now, fire could wipe out campgrounds, forested areas, and private property near forested areas."

Fires blamed on fireworks

Fires started by fireworks on the Chugach National Forest are heating up the costs to public taxpayers.

National Forest Supervisor Dalton Du Lac says, "The public is looking at approximately \$5,000 for Forest Service efforts in fighting a recent 6-acre blaze set off by fireworks in the Hope area."

Residents unable to control the fire burning in the beetle-killed spruce three miles south of Hope in the Resurrection Creek

drainage called in the Forest Service to help extinguish the flames.

Forest Service crews continue to clean-up and secure this summer's second fire caused by fireworks. A State of Alaska helicopter based at Soldotna also assisted by dropping water to douse the flames.

Du Lac says, "the first fire started by fireworks was at Quartz Creek campground earlier this summer."

This one was quickly brought under control by

Forest Service crews and volunteers from the Cooper Landing Fire Department."

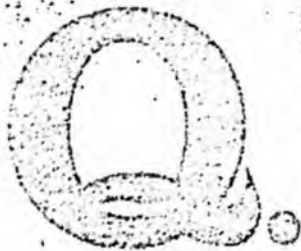
Du Lac cautions Forest neighbors and visitors that although forest vegetation is fairly green this year, spring and summer rains have not wet things down enough to relieve the fire danger.

"With grass, needles, and leaves being as dry as they are now, fire could wipe out campgrounds, forested areas, and private property near forested areas," says Du Lac.

ALASKA CLIPPING
SERVICE *Des. by*
Anchorage ~~Times~~ 1
Anchorage, AK

JUN 23 1984

you tell 'em



Should fireworks be legal in Anchorage?

For fire and safety reasons, the sale and use of fireworks is prohibited in Anchorage except in specially authorized exhibitions. But that doesn't stop all residents from indulging an old Fourth-of-July pastime. Fireworks still can be purchased legally on the Kenai Peninsula, and some of them wind up being used in Anchorage before the holiday is over.

Should fireworks be sold here at home? Are they worth the risk to life and limb? Can they be handled and regulated safely here? Are July 4th fireworks a thing of the past?

We'll publish your response in this space next week. Send comments to PEOPLE'S FORUM, The Daily News, Pouch 6616, Anchorage 99502.

Safety council stresses safe use of fireworks

Each year during Fourth of July celebrations, thousands of people require emergency room treatment for injuries associated with fireworks.

While most states vary on their fireworks-control laws, the National Safety Council says that a total ban of all fireworks — except those used by a professional pyrotechnician under controlled circumstances — is the best way to minimize firework-related injuries.

It recommends that people

visit one of the many community celebrations to observe firework displays, rather than having home displays. Because it is illegal for private citizens to possess fireworks within the Anchorage Municipality, the Municipality holds an annual fireworks display to which the public is invited.

For those on the Kenai Peninsula, where fireworks can legally be sold and possessed, and others insistent upon having a home display, the Council offers these tips:

- Store fireworks in a dry, cool place. Avoid roughhandling that might damage the fuse or handles.

- Always read the directions which explain how properly to ignite a firework device.

- Never allow children to handle fireworks. Young ones comprise the group most often afflicted by fire-works related injuries — such as the loss of hands or eyes.

- Ignite fireworks outdoors in a clear area away from houses and flammable materials — like dry grass, sawdust, wood chips, underbrush.

- Never place fireworks in metal or glass containers.

- Light one device at a time. Maintain a safe distance after lighting the device. Keep a bucket of water nearby.

ALASKA CLIPPING
SERVICE

Anchorage Times
Anchorage, AK

JUN 26 1984

ALASKA CLIPPING
SERVICE

Anchorage Daily
News
Anchorage, AK

Fireworks cause of fires, not fun

If: "Q" is for question, (Forum, June 23, 1984) and

"A" is for answers, (Forum, June 30, 1984) then

"E" is for expletive (Cooper Landing, July 1, 1984).

Tonight we were very lucky. The daytime wind had died; dusk brought humidity and heavy air; the misty rain a blessing. The hot little fire stayed where the skyrocket gave it birth. It is out. Three hours earlier it would have been an inferno!

It is now 1:30 a.m., July 1. I have just returned from the third fire in two weeks — each started by fireworks. Thirty men in private vehicles and three fire trucks responded to defend our families and homes, our beautiful valley and mountains; from the "fun" of "celebration" purveyed by the Kenai Peninsula's "comfortable amount of stands."

Mr. Louie R. March, Ms. Helen March — will the Alaska Fireworks Association pay for my \$150 boots? How about hundreds of man-hours? Will you re-build our world when your "patriotism" finally gets one going out of control? Perhaps you'll fire a last "salute" to any lost in the line of duty.

Let's knock this . . . off. Now!

— Jack Raudue, volunteer fireman
Cooper Landing, Kenai Peninsula

Lighting or holding firework may net \$1,000 fine, jail term

If you shoot off a firecracker in your back yard, it can cost you as much as \$1000 or 30 days in jail.

Those are the penalties for selling, using or possessing fireworks in Chugiak - Eagle River and the rest of the Anchorage municipality.

Although you can buy fireworks in many parts of Alaska, it's against the law to shoot them off in Anchorage.

Fire Chief Ross Fosberg emphasizes that means anywhere from the south border of the municipality at Portage to the Knik River to the north.

The only exception are the public fireworks displays and Fosberg says these are allowed by individual permit only after

stringent safety and licensing requirements are met.

Fosberg said the codes prohibiting fireworks were adopted because of numerous fires and injuries associated with their use. He added that Anchorage police officers are required to confiscate all fireworks that they encounter.

ALASKA CLIPPING
SERVICE

Chugiak-Eagle
River Star
Eagle River, AK

JUN 21 1984

Fires caused by fireworks set Fourth of July record

By LARRY CAMPBELL
Daily news reporter

Fireworks are being blamed for more minor fires Wednesday than in any other Fourth of July in Anchorage's history, according to the Anchorage Fire department.

Some Anchorage residents who firecracked, cherry-bombed and bottle-rocketed their way through Independence Day caused at least 26 minor blazes in a 24-hour period. That is at least a three-

fold increase over last year, said Lee Crossman, department spokesman.

"Usually we'll have a few every year. You always expect it," Crossman said. "This year was unbelievable. It was all over town."

Fires broke out in garbage dumpsters, in peat moss piles, on open grass fields and in wooded areas. All were relatively minor. Some had

See Back Page. FIREWORKS

Firework

Continued from P. 2

burned themselves out. Between the time they were reported and the time firefighters arrived.

No fireworks-related injuries were reported to firefighters, Crossman said. No burned fingers or injured eyes showed up at either Providence or Humana Alaska hospitals.

The 26-fire estimate is incomplete, Crossman said. There may have been more fires that burned out before firefighters arrived or didn't show obvious evidence that fireworks were to blame.

Despite that, Crossman said the increase was surprising.

"The nice weather, people still here (in Anchorage) instead of gone for a weekend, it could be a lot of things. Just more people in town during a celebration," he said.

Possessing or using fireworks within the municipality is a city misdemeanor. Conviction brings a sentence of up to 30 days in jail, \$1,000 fine or both.

The fire department conducts education programs advising people about the dangers of using fireworks.

"I don't know what we can do to prevent it besides doing what we already do," Crossman said. "I guess we've just got to keep telling people."

ALASKA CLIPPING
SERVICE

Anchorage Daily
News
Anchorage, AK

JUL - 5 1984

Many fireworks users irresponsible

I live on the Kenai Peninsula; I am completely against the sale of fireworks anywhere!

Last year my husband and I were new to Alaska and of course in need of work. We were offered a job selling fireworks; we accepted. I was very surprised at the age of kids coming in alone to buy fireworks, some as young as 6 or 7. I'm sure their parents had no idea, so where do you think these kids went to set these off? The woods!

At the time we accepted the job, I had never given it any thought. But I'd never do it again!

We are responsible people; most of your readers are. But what about the ones who aren't? How many people get drunk and then set them off? How many kids set off fireworks, hiding in the woods from their parents? How many responsible, careful people have accidents?

I've watched 400,000 acres burn in California. Watched my in-laws cry as they evacuated their home. The cause was fireworks.

I know I don't want to wake up to and drive through a black, lifeless forest.

People do have their rights, though! I'll give up mine to save our forest.

- Sue Hoppman
Soldotna

ALASKA CLIPPING
SERVICE

Anchorage Daily
News
Anchorage, AK

JUL - 6 1984

Too immature, inconsiderate to use fireworks

I'm writing concerning fireworks alloted to be legal in Anchorage. My neighbors here in Anchorage have been shooting fireworks every day for two weeks now, but what's really bad is they are either shooting them at each other or they shoot them at late hours like 11:30 p.m. and 3:30 a.m. when people are trying to sleep. Mostly rockets and whole packages of fire crackers all at once.

I hope and pray they never legalize fireworks in Anchorage because people are too immature and inconsiderate to shoot them and use them wisely.

— Marcia Tschetter



Fireworks OK in safe areas outside towns

Fireworks are fun. Fortunately there are areas Alaskans can still experience the traditional thrill of celebrating with fireworks.

By following three simple rules we will guarantee safe enjoyment of fireworks: 1) Use common sense; 2) Always have adult supervision; and 3) Only discharge fireworks in a safe area.

On the Kenai Peninsula there are many areas where fireworks may be used safely, such as Fourth of July Beach in Seward and Clam Gulch near Anchor Point. However, populated cities are not the place to discharge fireworks.

Seward, Kenai and Homer all prohibit fireworks within the city limits. As president of the Alaska Fireworks Association, I feel Anchorage should maintain its prohibition against fireworks.

Anchorage is a populated city, basically not suited for fireworks. I invite all those who enjoy fireworks to come down to the Kenai Peninsula and safely celebrate a tradition that's been around for over 200 years.

— Louise R. March Jr.

President of the Alaska Fireworks Association

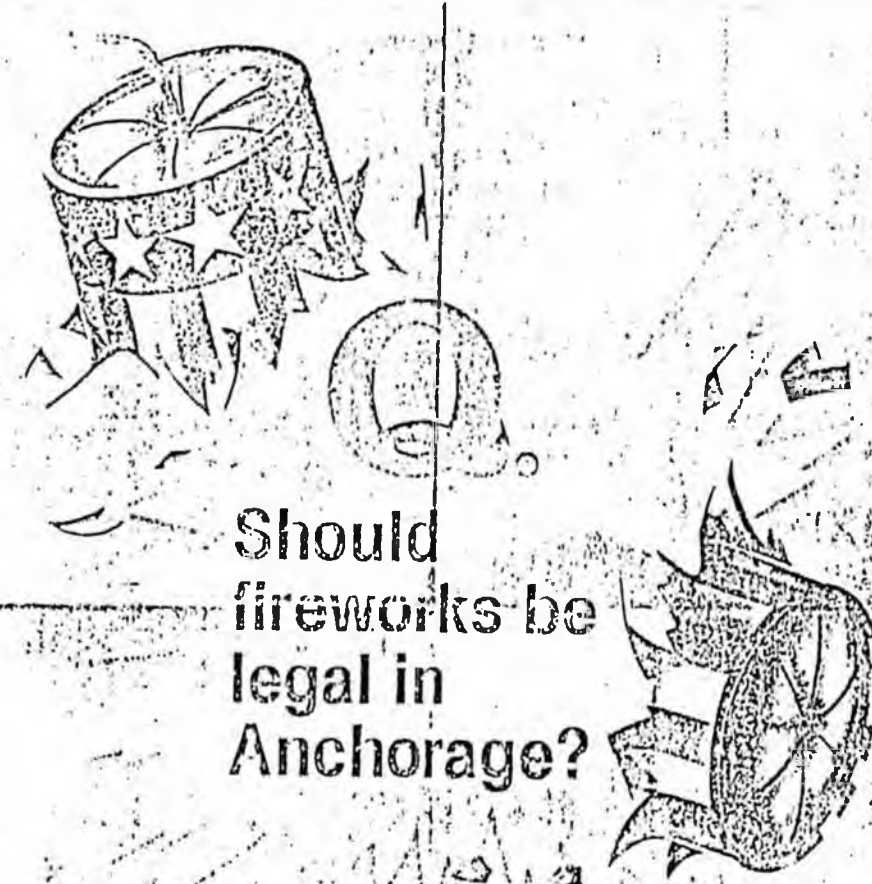
Seward



Too dangerous to be used at all, anytime

Fireworks are dangerous! We don't need to test them on white mice to know that they take our eyes and rip off fingers year after year. Why is it that people who are afraid of the health risks of saturated fat, gleefully and deliberately risk maiming themselves with stinky noises and bursts of light?

The Fourth of July after 9 p.m. is not much of a holiday. The only time it's a holiday is the



Should fireworks be legal in Anchorage?

Inconsiderate neighbors make me feel like I am in a war zone, while they endanger my family and home.

Instead of debating whether or not to legalize fireworks inside city limits, the question should be how we are going to enforce the existing laws.

— Marie Cotting



Disturbing peace deserves punishment

In answer to your question regarding fireworks legislation: no way, Jose.

The primary gripe I have is that there is usually some nitwit in every neighborhood who is primarily delinquent in taking care of the

loudest of most obnoxious ordinance device obtainable. Naturally, the only time this menace to civilization is able to carry out his/her sole function in life are the hours when we unappreciative souls wish to grab a quick nap for the brief duration of darkness.

We must also consider the fact that a large majority of local kiddies lack the proper parental supervision that God gave a goat. They have no concept of respect or human compassion so any time at all is game for them to prove that they were able to learn all by themselves how to strike a match and actually can ignite a fuse. Bravo.

The local constabulary has better things to do than play nursemaid to jerks. Losing a finger or an eye is the price paid for improper use of pyrotechnics. That's what stupidity

and quiet of others is a crime which should be punishable by deportation to Lower Siberia.

The sale and use of pyrotechnic ordinance devices should be outlawed today. The use and importation of these fun gizmos should be legally restricted to those who are trained and licensed in their use. If the inconsiderate boobs must have their fun, set aside a small lot in an obscure area for those folks to get their jollies.

— Neal D. Cooper



Leave fireworks on Peninsula

I believe fireworks should not become legal in Anchorage. There are more than 250,000 people living in the Anchorage area. Plus you have to take into consideration the many vehicles being driven around there, your huge buildings, etc. I personally feel this will promote a problem safetywise and otherwise.

Fireworks stands would be set up almost all over Anchorage. Then too, because of the dense population in Anchorage plus your influx of tourists at this time, hazardous conditions will arise. There are more lives and limbs lost as a result of "wars" here and abroad than with anything else.

The Kenai Peninsula has a comfortable amount of stands. I say let's keep it this way. There are enough fireworks here to take care of the Anchorage people's needs. And besides a trip down the Seward Highway is refreshing anyway, also its surrounding areas. I cannot over-emphasize enough to have responsible people and parents to accompany young children when buying and setting off the fireworks. And please — read your instructions! Use common sense. Abide by all of the safety laws put into effect. The 4th of July can be a fun day.

It's been a tradition since 1776. The signing of "The Declaration of Independence." Personally I feel to consider fireworks a thing of the past would be like eliminating the year "1776."

— Helen March Seward



Celebrate without the fireworks

If anyone has experienced the "display" of fireworks in Honolulu, during Chinese New Year, on the people of Anchorage would rise and say NO! I'd suggest the mayor's office contact officials in Honolulu and get the facts first-hand on the noise, pollution caused by the smoke, the trauma that the children, elderly and ill and also the pets will endure. I am all for celebrating the 4th, but not with fireworks.

works hints: How to avoid trouble

Continued from Page 1

Nikiski Fire Department Lt. John Heath said he thinks the drop in fireworks-caused fires is because only one fireworks stand is operating in the North Kenai area. "Last year we had seven or eight stands," Heath said. "But I'm surprised we haven't had any fires yet."

The Soldotna Fire Department has extinguished four fires caused by fireworks since mid-May. All of the fires were small and no one was injured in any of the fires, said Fire Prevention Officer Michael Huckabay. One fire occurred on Funny River Road, another at the rodeo grounds, a third next to a fireworks stand behind Sizzler's. The most recent fireworks fire was doused early Monday morning near Slikok Creek.

The Soldotna crew from the state Division of Forestry has doused four fireworks-related fires so far this summer. Fire Manager Larry Adams said one of his crew members also doused a fire that had been ignited on his front lawn from a neighbor's bottle rocket.

"They were just sitting in their house (in Soldotna) watching TV when they saw a bottle rocket shoot into their yard, and then saw smoke coming up from the lawn," he said. "That can happen to anyone."

The forestry department's fire warning needle pointed to "Moderate" fire conditions Thursday morning, but Adams said it could easily go up to "High" by late Thursday afternoon.

"It looks like the sun's coming out," Adams said. "And if it stays clear and things dry out rapidly, we anticipate responding to at least four or five calls (relating to

fireworks) around the fourth of July, and possibly as many as seven."

Both Kenai and Soldotna have laws prohibiting the discharge of fireworks within the city limits. A violation of the law could result in a misdemeanor citation, which means a mandatory court appearance and a maximum fine of \$500.

If people choose to discharge fireworks outside the city limits, fire officials ask people to take precautions.

"Use them in a good area where there is no dry grass or woods around," Heath cautioned. "And kids should use them under an adult's supervision."

"People should be shooting them off in a gravel pit, or at a beach out over the water, or in a plowed field," Adams advised. "The ones that are small and don't travel anywhere, that just lay there and go 'boom', could be done in a driveway."

"A lot of those fireworks with sharp plastic points can do an eye in real easy," he added. "They don't always go straight up (in the air) like they're supposed to. They often whirl around and come back at you," Adams said.

Huckabay advises people to discharge fireworks in an open area outside the city limits, like a gravel pit.

Firefighters worry on 4th

This is the week firefighters dread most — the week of the Fourth of July.

The Fourth is Wednesday, but firefighters were already busy late last week with the Hidden Lake island fire, preliminary blamed on fireworks. With the holiday coming up, the most hopeful sign for firefighters was the Sunday rain that dampened the undergrowth on the central peninsula.

So far, this fire season has not been a bad one for fireworks-related fires.

The Kenai Fire Department had doused only one such fire as of last week, a small brush fire in the Thompson Park area. The Nikiski Fire Department hadn't had a single fire from fireworks at week's end.

See FIREWORKS, back page

ALASKA CLIPPING
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The Peninsula
Clarion
Kenai, AK

JUL - 2 '84

ALASKA CLIPPING
SERVICE

Anchorage Times
Anchorage, AK

JUL 11 1984

Fireworks' fires surprise couple

A local couple was rudely awakened recently when two bottle rocket fireworks went awry, one of them catching the boxsprings of the couple's bed on fire.

Two men accidentally shot the rockets through the Young Street couple's bedroom window at about 1:30 a.m. on July 5. The rockets broke the window, the screen and damaged the curtains before one of them hit the sleeping man's foot. One rocket caught the boxsprings on fire and

the other flew into the living room where it started a fire on the carpet.

According to police reports, the men who fired the rockets ran to the rescue of their unintended victims. After making sure the couple was all right, the two men, who declined to identify themselves, vacuumed the floor and used a fan to blow the smoke out of the house.

The victims want only to be compensated for the damages. They do not intend to press charges.

8-Daily News Miner, Fairbanks, Alaska, Thursday, June 21, 1984

Study finds education no help against fireworks injuries

CHICAGO (AP)—Educating people about the dangers of fireworks doesn't seem to reduce Fourth of July injuries, according to a health study that suggests the only solution may be legislation controlling their use.

The study focusing on the Seattle area found the majority of injuries

during last year's Fourth of July holidays were caused by legal fireworks. It also found that the number of injuries doubled after a change in state law that allowed more dangerous varieties to be sold.

The study published in Friday's *Journal of the American Medical*

Association concluded that firecrackers and aerial devices such as rockets or Roman candles cause the most injuries.

The Consumer Products Safety Commission reported in 1981 that 277 fireworks-related injuries nationwide in 1981. Of those, more than 20 percent required

no hospitalization. Using the study's average charge of \$72 for medical care for each injured person, the total cost of fireworks-related injuries nationwide could exceed \$16 million.

Lynne McFarland, one of the study's authors, said public education doesn't seem to help curtail the burns, cuts and other injuries resulting from fireworks accidents.

She noted that when Washington changed its law in 1982, legislating firecrackers and some aerial devices, "they had a fair amount of public awareness," with a large fireworks

safety education campaign.

But during the July 4 holiday after that change, the study found, there were 22 injuries requiring emergency care—up from 19 a year earlier.

"Legislation, on either a federal or state level, to decrease the availability of these... devices may result in a decrease in the number of fireworks-related injuries," the report said.

The "majority of injuries were due to the misuse of fireworks and not malfunctioning devices..." McFarland said. "People are fireworks as toys."

"They're not toys, they're small weapons."

The study was conducted by the University of Washington and the Washington State Department of Social and Health Services in conjunction with the federal Centers for Disease Control.

The researchers looked at 116 people injured by fireworks who sought emergency care during the July 4 holiday in 1981. Of those, 7 percent were hospitalized.

The study found:

- The average charge for medical care was \$72 and the average cost for those hospitalized was \$5,411.
- Lack of parental supervision was a big risk factor.
- Multiple injuries were most common, followed by burns, eye injuries, cuts and ear injuries. Those hurt most frequently were adult males.
- Firecrackers and devices used on the ground each accounted for about a third of all injuries.

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JUN 14 1984

Fireworks start fire behind Sizzler

Soldotna firefighters put out a small brush fire behind the Sizzler restaurant about 7:30 p.m. Tuesday.

According to a fire department spokesman, the fire was caused by fireworks. Firefighters were able to put the fire out quickly and only a small area was burned. There were no damage estimates.

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JUN 5 1984

Fireworks cause 3 brush fires

Soldotna and Ridgeway firefighters doused three brush fires this weekend that were caused by fireworks. One "controlled burn" that went out of control was also extinguished.

A fire department spokesman said one brush fire was ignited by fireworks at the rodeo grounds Saturday evening. Another brush fire was doused Sunday afternoon behind the Birch Street Apartments. That fire was also started with fireworks.

The Ridgeway Fire Department extinguished a third brush fire, started by fireworks, in the OTECO gravel pit on Kobuk Street. The spokesman said though the gravel pit fire was small, it could easily have spread much farther.

The "controlled burn" took place in a burn pile on Karen Street that had been smoldering for about three months, officials said. Wind and warm weather combined to ignite the pile Sunday evening. Though the fire was small when it was contained, it was close to some tall spruce trees.

Fireworks ban sought

by Carole Jaffa
Fireworks were the hot item on City Council's Monday night agenda, with arguments for and against the controversial devices culminating in passage of Resolution 84-87, requesting a borough-wide ban on fireworks sales. Councilmembers Williams, Cripps, Hilton and Gillespie voted yes, Meehan opposed. City staff launched the discussion with fire chief John Gage, Sgt. David Brossow and city manager Ron Garzini stating why the ban should be requested.

Of five fires over July

4th, three were definitely from fireworks," Gage said. The other two were of "undetermined cause, but fireworks were probable." He added there has been a history of fireworks-related blazes in Seward, and that "with our old, close-together buildings downtown, we are walking on thin ice."

Sgt. Brossow said the four officers on foot patrol downtown July 3 wrote citations and seized lots of fireworks, but "you could only control the area where you stood. It only takes a second to light a firecracker and run away...the law does not

ban carrying fireworks, only lighting them."

Ron Garzini complained of fireworks being set off well before the 4th in residential areas and commented there were "more important things for the cops to deal with."

Speaking on behalf of fireworks, used with discretion, were Lonie March and Robert Paul, both of whom operated fireworks stands outside city limits this year.

March, the president of Alaska Fireworks Association, said he had

See COUNCIL, pg. 3

Council...

discussed the enforcement problem with Chief Ben-cardino. "He said the department had been lax and would be stricter next year," March stated.

"We also talked about posting a sign outside town, saying fireworks were illegal...that, plus getting tougher, would do the trick, we figured."

March felt passage of Resolution 84-87 would be unfair to those who use fireworks safely. "We don't ban gun sales because someone shoots a guy." He favored designated areas for fireworks use.

"We'll help," he continued, "by making a sign, working with the City in whatever way we can" to solve the problem.

Robert Paul, who ran the Golden Dragon fireworks stand this year, said most fireworks are shot in non-crowded areas. Ten percent at most are shot in town.

"The Borough Assembly defeated a similar measure last winter," he added, "because most members felt it was too strong an infringement on individuals...most people enjoy and respect fireworks."

Paul said a poll is being circulated this fall regarding fireworks sales, and he expected 75 percent would oppose a ban on sales outside city limits.

He said more fires are caused by smoking, and more deaths by drunken drivers.

He vowed the Fireworks Association members would do their part to eliminate use in

town, handing out flyers to purchasers, stating that there was a city ordinance against use in town, that was strictly enforced.

Paul also suggested enacting a possession law and enforcing it. "you'd see a dramatic decrease" in the problem, he said.

Crossfire in the Council chamber firecracker war came from Oscar Watsjold, Harry Gieseler, and Phil Yeziarski. Watsjold, a fireman 44 years, and chief for 22, noted "for years, everyone knew everyone, and we told 'em where to shoot...now there's thousands of people. We don't know them. The only way to control this, is to ban sales."

Harry Gieseler doubles

ALASKA CLIPPING
SERVICE

Seward

Phoenix Log

Seward AK

JUL 26 1984

haven't started yet

By KRIS CAPPS
Staff Writer

Like a crop of summer flowers, they pop up every year.

Fireworks stands. They're brightly colored booths filled with bangs, pops and sparkles.

They're also illegal in the city of Fairbanks and in the North Star Borough. But outside the borough, the stands have set up shop and are doing a booming business.

The stands are licensed by the state, and owners must apply for a permit from the state fire marshal's office. This year, the Fairbanks office has issued about 10 permits in the immediate area, about the same as last year.

Owners of the stands must also check with the Department of Transportation, which has regulations about where they can erect signs and how far they must be from right-of-ways.

Stand owners who break the rules can be issued a misdemeanor citation. Officials may also close the stand and seize the fireworks.

"Periodically we go down and look

at all the stands and make sure they're in compliance," said Deputy State Fire Marshal Ernie Misewicz. "We do get a number of complaints each year for one reason or another, that they're too close to the road or too close to the buildings."

One stand, which was advertising "Legal Fireworks" at the corner of Cushman Street and Airport Way, was ordered this week to move outside city limits by police.

"According to the city attorney, there is no such thing as legal fireworks in the city of Fairbanks," said one officer.

City police always have lots of complaints about fireworks this time of year and say they vigorously enforce the law prohibiting their use in city limits.

"We have quite a bit of a problem," said Lt. Roland Bonneville.

Police expect to collect a bag or two of confiscated fireworks before the season is over. The fireworks are either destroyed or used in training exercises by a special police team.

Fireworks can't be sold in the (See FIREWORKS, page 3)

ALASKA CLIPPING SERVICE
Fairbanks
News Miner
Fairbanks AK

FIREWORKS

(Continued from page 1)

borough either.

"You can't sell fireworks within the borough, period," Misewicz said. The city of North Pole also has a city ordinance against the sale and discharge of fireworks, but the chief of police said enforcement is generally not a problem.

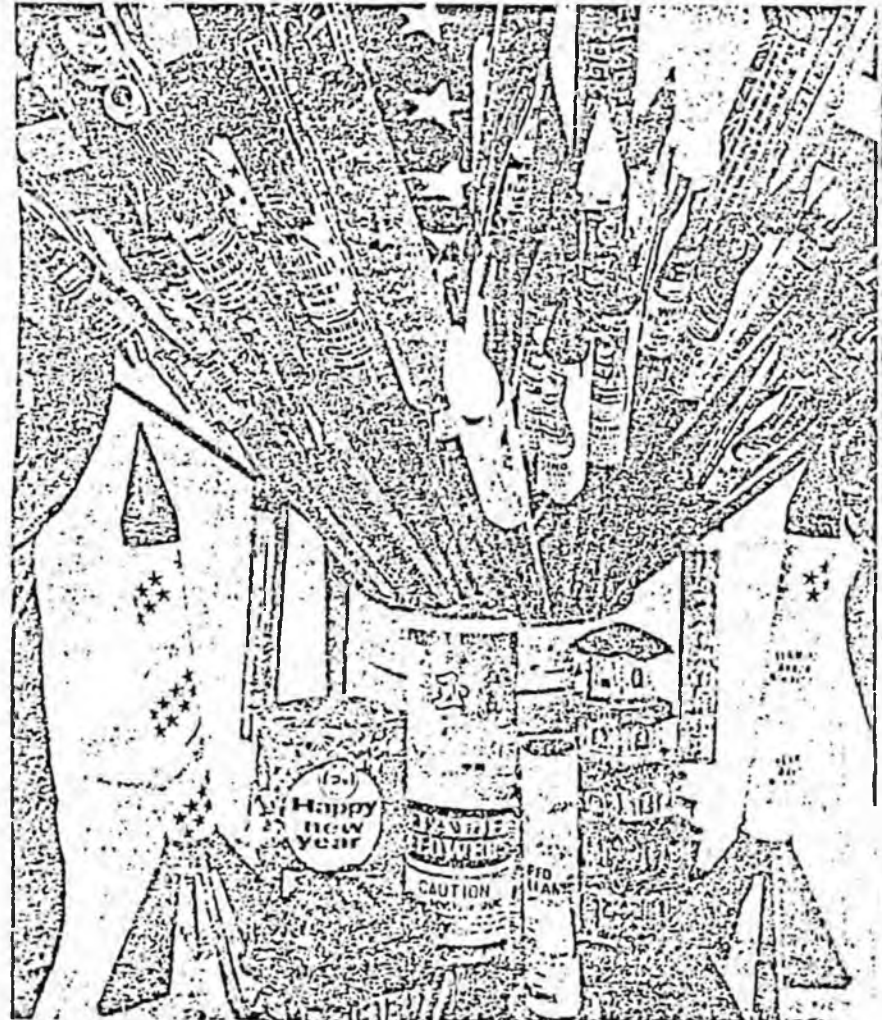
Not so in Nenana.

"Yes, we have problems," said Chief Wayne Walters. "We get numerous complaints about noise. There is an occasional fire as well. The fireworks aren't sold in the city of Nenana, but they are certainly sold nearby."

"We try to let people live a little bit, but ask them to use a little discretion and caution and use them in the proper areas," Walters said.

Fireworks can be a real hazard, causing injury or fires.

"For the most part, the biggest problem is in wildland areas," the deputy state fire marshal said. "Brush



If you're looking for fireworks, you'll have to go outside the city and borough to find them.

fires. The drier the weather gets, the more susceptible it is."

Causing a fire this way can result in a misdemeanor citation for criminally negligent burning and a fine of \$5,000 or up to one year in jail.

Fireworks can also cause injury. Blown off fingers. Burned hands.

Sparklers burn at a very high temperature and can burn hands. The noise from a loud firecracker bang can rupture an eardrum.

"All of them are dangerous if not used properly," Misewicz said. "Children shouldn't be allowed to use them unless they're under adult supervision."

Fireworks

Cont. from Page 1
rockets cause the most danger because once they are fired they are out of control, sometimes landing as much as 1,000 feet away. That may be too far away to stop a grass fire caused by the hot remnants from spreading. On the Spit, it could be much worse, he said.

There is no state law banning the sale of fireworks, but there are regulations about their use. According to state statutes, it is illegal to shoot fireworks on any lands on which grass, brush, timber, or any natural vegetation grows. The state has left enactment of sales ordinances up to local cities and boroughs.

Anchorage Borough has made it illegal to sell the devices, so many Anchorage residents drive an hour or two outside city limits to purchase fireworks at roadside stands, many of which flourish along the roadsides in the Kenai Peninsula Borough.

Homer wrote its own fireworks ordinance into law in 1960, but as yet, there is no Kenai Borough law banning either use or sale, though several attempts have been made to control them because of fire danger.

"There is a state law against reckless endangerment," said Mr. Daugherty. "And, I suppose if you intentionally shot a bottle rocket directly at someone it could be called assault in the fourth degree."

If your fireworks start a fire you could be held accountable for the expense of extinguishing the blaze, said the chief.

"You can be slapped with the bill from the fire department neither local or state," he said. "That could be very expensive."

How expensive would depend on things like time, personnel, and equipment needed, but last year a Kenai man was sent a Dept. of Forestry bill for \$179,000 after a fire he caused was put out by state fire fighters. Although fireworks were not proven to be the cause, it illustrates the possible consequences. According to Tom Marock of the Alaska State Div. of Forestry, this case is in the hands of the state Attorney General.

Homer Purcell, fire station manager, said his department is not looking to ban fireworks altogether, but rather to encourage people to use them wisely.

It is a crime to fail to control a fire, he said, leading to a charge of arson in the fourth degree. But, he said that while it is theoretically criminal, people who start fires by accident, are not generally charged unless investigation shows "obvious gross disregard" for safety.

He does not want to discourage people from reporting accidental fires for fear of costs, he added.

"In extreme cases, the fire department has the option to go to court to recover costs," he said. The same option applies to neighbors whose property might have been damaged.

He said costs for even a

small blaze can run into hundreds of dollars, and a substantial fire into the thousands.

According to Mr. Marock, a 1981 fire at Mile 101 Sterling Highway which state troopers determined was caused by fireworks, cost \$20,000 to extinguish. No one was sent the bill, however, because police could not discover who had started the fire.

"We look for a case of gross negligence," said Mr. Purcell. He said it has to be a case where no reasonable person would have allowed a situation so dangerous that it caused a fire.

"We all know accidents happen," he said. Those kinds of fires, even if touched off by fireworks, are unlikely to draw a bill for services from the department, but it is possible.

Each year, the controversy comes before the Kenai Borough Assembly, but so far its members have not passed a ban on the use or sale of fireworks. One assemblyman recently, expressing a commonly heard sentiment, said he was bound and determined to preserve the right of every American kid to be able to set off his own firecrackers.

Arguments made during debate have suggested that there are no cases of fires which are directly linked to the use of fireworks. Mr. Purcell says that is just plain wrong.

"We know of several cases where fires have been started with fireworks," he said. A bottle rocket caused a grassfire on Diamond Ridge a couple of years ago, and another rocket ignited a tree in Anchor Point, said Mr. Purcell.

"Then just a few weeks ago we put out a car fire on East End Road which was caused by fireworks," he stated.

On Monday, a fire at Mile 109 East End Road was attributed to children playing with fireworks, according to a Homer Fire Dept. spokeswoman. Another along the Kenai River on Monday was also linked to fireworks.

Mr. Purcell said a group of fire chiefs from around the borough have tried unsuccessfully during the last three years to ban the sale of fireworks in the borough.

"We even looked at tying the use of fireworks to the fire season danger level," he said. That would have banned their use whenever there was a "no burn" alert. "That was blocked," he added.

"We have no interest in banning fireworks displays," he said, "but we do want to prevent fires."

The state statutes that ban shooting fireworks where things grow does allow them in certain safe areas, and Mr. Marock encourages people to go there for their displays.

He suggested beaches on Kachemak Bay and Cook Inlet, over large lakes, gravel pits, and large plowed fields.

"I want to emphasize 'large,'" he said. "Some of those devices can really travel."

Fireworks off limits in the city

by Hal Spence
Staff Writer

As the Fourth of July approaches each summer, Homer begins to sound like downtown Beirut.

But this year, in town at least, the long arm of the law will be busy interceding in the annual firecracker wars.

Each year, buzzing bees, firecrackers, and bottle rockets fill the air with whistles, loud reports — and fire danger.

And each year the short fused controversy surrounding the use of these at once delightful and hazardous pyrotechnical devices is renewed.

But this year, backed up by the threat of \$500 fines, Homer police plan a serious crackdown on violators of the city's anti-fireworks ordinance.

Police say it is illegal for any person to "use or explode any type of firecracker, skyrocket, blank cartridges, explosives, pyrotechnics, or any other device commonly known as 'fireworks' within the limits of the City of Homer" without a public display permit.

"I'll be calling in extra officers for July 4th," said Homer Police Chief Mike Daugherty. He said none of his officers will have that day off.

While it is against the law to explode, or for that mat-

Inside:

There's profit in pyrotechnics

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What's open, closed on 4th

Page 19

ter, purchase, fireworks anywhere within the city limits. Mr. Daugherty said he is most concerned with their use on the Spit where highly flammable fuels and old wooden structures create a high degree of fire danger. In that regard, he called the highly popular bottle rocket the most hazardous.

"Last year it really got dangerous," he said. "There were large crowds of people and many who were shooting off fireworks were intoxicated."

He said the potential for disaster is great when it comes to fireworks near the old, creosote soaked pilings on the city dock and the fuel storage tanks nearby.

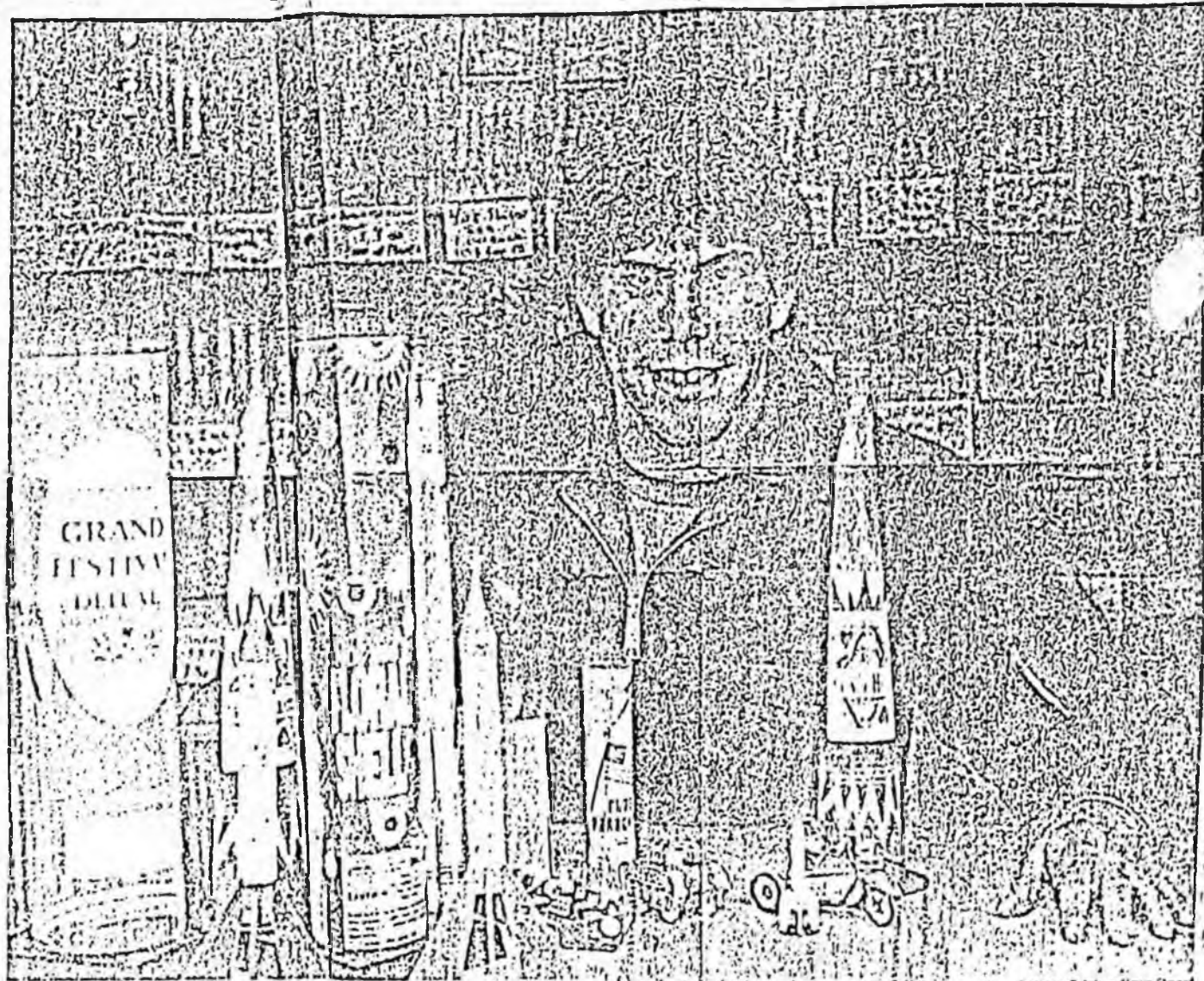
"Those tanks have a venting system on top which emit fumes to allow for expansion in warm weather," Mr. Daugherty said. "If a bottle rocket were to be shot up their we could conceivably have an extreme problem in a hurry."

Expended rockets have been found on top of the tanks, according to Brantley Edens, owner of the Chevron fuel depot on the Spit.

"I don't know what people are thinking when they shoot them towards the tanks," he said. "I don't know for certain that a spark would ignite the tanks, but would you really want to find out?"

He said he does not like to be on the Spit on the Fourth of July.

Mr. Daugherty said bottle



John Brinker, who owns and operates the Fireworks Factory on the Sterling Highway, says his business is booming — and will get better.

Fireworks spark concern of state, local officials

By RONNIE CHAPPELL
Daily News reporter

SOLDOTNA — Between May 1 and Sept. 30, the use of fireworks is illegal almost everywhere in Alaska. The sale of fireworks is not.

As a result, tens of thousands of dollars are spent every year stamping out brush fires set by careless kids playing with more than matches, according to public safety officials across the state. State officials believe bottle rock-

ets touched off a blaze in Metlakatla that leveled a \$100,000 building several years ago. Fireworks have also been linked to a brush fire that caused \$30,000 in damages to two Fairbanks area homes last year. In 1981, a forest fire south of

Soldotna burned 379 acres, threatened several homes and cost the state \$90,000 to extinguish. Children playing with fireworks were seen in the area before the blaze.

See Back Page C11C12C

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Miscellaneous

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1966 CITARINA TECA, long range tanks, new paint, fabric - 1974 \$10,500, 1977 C172N 180 HP AVCON, conversion 678 hrs., TT, fresh annual \$28,000; 1981 C152 \$18,000, 1981 C172 HG, full IFR, tip tanks \$47,000, 1981 C172, full IFR \$65,600, TAYLORCHAFT \$25,000; 1981 T 206 AMPHIB PK 3500, King IFR, and tip tanks, payloader seats, Robertson STOL kit, marine radio, 300 hrs. TT, \$24,500. AIR CENTER 789-2337.

Boats and Marine Equipment

MUST SELL 18' Lund skiff, EZ 1200 trailer, ask \$600. Message

Good stock of Achilles inflatables.

Surprise w/each and every purchase through 15, June. 789-9490.

30' Wizard Vega diesel cruiser. Loaded w/equipment & electronics. Perkins diesel uses 1.2 gph cruising at 7.5 knots. \$39,000. 364-2472

Heavy built fiberglass fishing vessel, 32 ft., diesel engine. 586-2876

27' Eriksen sloop, 1975, 3 sails, new Atomic 4 engine, bath, VHF, excellent condition, drydocked \$27,500. Contact Air Marine Harbor, Ketchikan 247-2282, or owner 212-874-4048.

Boats and Marine Equipment

For Sale 13' Boston Whaler, fair condition. Phone #526-2284

NOHUC TUG the luxury cruiser that offers comfort, safety and superb economy with it's diesel power. We have a demo boat here in Juneau for you to try out. Call Kent Egerstrom at 526-2844

HOMELITE PUMPS Thermoplastic. Lightweight, ideal for marine, home or commercial. AP1315 - 1 1/2", 6000 gph, 36 lbs. - \$287. AP1320 - 2" 8400 gph, 37 lbs. - \$310. **TANNER'S Svc. Center** 364-2434

1973 Fiberform 22' Express, new 170 Volvo, CB, DF, swim step, 1981 Galv. E-Z Loader, lots more. 789-0901 even.

1978 Glasspy Cuddy 251 Volvo 2801/O, w/Galvanized trailer, VHF & CB, Alaska wall, cabin heater, stove, sink, 120 gal. fuel cap., 30 water, and many other extras. 17,600.00 O.B.O. 789-5042.

1983 Woudridge 16 + Rive Hunter, equipped w/outboard jet intake, walk through windshield, complete canvas, CB compass.

ONLY NOW LEASING CLASS A COMMERCIAL SPACE (Retail, Professional) 8585 Old Dairy Road

— 19,000 Sq. Ft.
— Fixed Rate Leases
— Utilities Included (Most Cases)

Trucks

1979 Gruman Van, all aluminum, 30,000 mi, 1 1/4 ton, excellent condition. 789-4710

1973 Toyota landcruiser Warm wheel, additional set of 10x15 tires. Seen better years. \$800 or b/o 789-4347 after 6:00

1971 International single axle 5 yd. dump truck, see up w/5th wheel for traction. 789-1364

1991 Chev 1/2 T, 4x4, AM/FM, cassette, 4 speed, 31,000 mi, NO HIST. \$2500. 586-4718 eve.

1976 5100 Wisconsin new transmission, rebuilt, low miles, good body. **SOLD** or 6 p.m. & weekends.

1970 Mac R600, 10 yd., dump truck. 789-1364.

1984 Jeep J20, 1/2 ton, P/U, (4x4) w/warranty, while time rust proofing, only 5,000 mi., cap sliding rear windows, fog lights, brush guard, AM/FM cassette stereo, heavy duty equipment throughout, locking hubs. L1s or \$18,600. Will sell for \$14,500. 713-6452

1978 Jeep Cherokee, 4x4, 789-9193 evenings.

1975 Dodge 2 ton stake. Ex. cond. new tires & paint, \$5100. 586-3177.

Autos for Sale

SUBARU wgn 1978, 1mi whl dr., 5 spd., w/4 std tire & rims \$2100. 789-3644

1991 VW Rabbit, for sale. Low mileage, no rust, runs well. \$3750. 586-1058

1983 Ford Bronco, very clean, rust proof, cold weather package. \$11,000. 789-7869

Nova Renovated 41,900 miles \$28,900 (101) 586-2958 even. 789-6204 message/789-9585 message. Jolevne

1982 Olds Low miles 586-2841

1983 Firebird TransAm good condition. An awesome driving machine but must sell! \$11,000 or reasonable offer, after 5 p.m. 789-1619

1981 Audi 5000 Diesel 4 Dr., 5 speed, low mileage. Excellent condition. 586-6553 after 5

GOOD BUY: 1989 Ford Granada, 4 door A/T, P/D, P/S. Good condition, low mileage, snow tires 789-6912 after 6 p.m. or weekends

1981 VW pickup diesel with Gem Top, four mounted snow tires. Call 789-0259 evenings and weekends.

1980 Honda Accord, excellent condition, low mileage. \$5000 in.

Lots and Acreage

STAT HILL, a rare jewel - view lot with access for building \$55,000. Kirsten 364-9176 or HOME TEAM 586-2200

Haines - 2 lots in Mud Bay area 3.645 ac. Road frontage w/casement view. Terms avail. Box 65, Naknek, AK 99843 \$22,500

THREE ROAD uphill lot, 3.11 acres. One of Juneau's better locations. An excellent price at \$40,000. HOME TEAM 586-2200

LET'S MAKE A DEAL! We have large lots near town for sale or trade. If you have a car, boat, or whatever, bring it in and let's do it. We need to sell the land. These are choice building sites, more than an acre, with large trees and incredible view! Call One Manly Realtors Inc. 789-3928

For Sale: 110 acres of mineral claim (gold) 789-4135

REAL PROPERTY ALONG THE BOUGLAS HIGHWAY Beach side beautiful view. **SEABOARD** 586-2266

CHUKAT LAKE Now is the time to buy yourself that special Getaway spot! We have several properties available which offer a view, that private space, and OW-

For Complete Details Call Alan Latham - Capital Office Supply **586-2696** or **789-1366**