

## Chapter 21.16

# FIREWORKS<sup>1</sup>

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### 21.16.010 Definitions.

*"Dangerous fireworks"* are large *fireworks* devices, which are explosive materials intended for use in *fireworks* displays and designed to produce audible or visible effects by combustion, deflagration, or detonation. Such *fireworks include*, but are not limited to, firecrackers containing more than 130 milligrams (two grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as *"salable fireworks."*

*"Fireworks"* means and *includes* any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purposes of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall *include* toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of nonmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance, except that the term *"fireworks"* shall not *include* auto flares, ammunition, paper caps, containing not in excess of an average of 0.25 of a grain of explosive content per cap manufactured in accordance with *state* and federal laws for packing and shipping, and toy pistols, toy canes, toy guns, or other devices for use of such caps, and sale and use of which shall be permitted at all times. *"Fireworks"* are classified as either *"salable fireworks"* or *"dangerous fireworks."*

*"Operator"* means the *person* with overall responsibility for the safety, setup, discharge, and supervision of an outdoors *fireworks* display.

*"Salable fireworks"* are small *fireworks* devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. The explosive effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. (Ord. 2017-24 § 3, 2017.)

### **21.16.020 Sale prohibited.**

The sale of *fireworks* is prohibited. (Ord. 72-27, 1972; Ord. 72-5, 1972; Ord. 69-1, 1969. 2004 Code § 8.08.020.)

### **21.16.030 Use restricted.**

Except as provided in FNSBC [21.16.040](#) and [21.16.050](#), no *person* shall conduct a public or private *fireworks* display using any amount of *dangerous fireworks* or using more than 250 gross pounds of *salable fireworks*. A *person* may on *real property* owned by them, under their control or with permission granted by the *owner*, use or explode less than 250 pounds of *salable fireworks*. The *mayor* may, in times of extreme fire danger, prohibit all use or explosion of *fireworks* in the Fairbanks North Star Borough within the areas outside the *cities* of Fairbanks and North Pole. (Ord. 2019-09 § 2, 2019; Ord. 2017-24 § 4, 2017; Ord. 2014-16 § 2, 2014; Ord. 72-27, 1972; Ord. 72-5, 1972; Ord. 69-1, 1969. 2004 Code § 8.08.030.)

### **21.16.040 Firework displays – Permit required.**

A. *Municipalities*, fair associations, amusement parks, other organizations, groups, and individuals must apply for and receive a *fireworks* display permit before conducting public or private displays of any amount of *dangerous fireworks* or more than 250 gross pounds of *salable fireworks*.

1. The *operator* shall submit an application for a *fireworks* display permit to the department of emergency operations at least five business days before the proposed display. The permit application shall *include* the following information:
  - a. A copy of the *operator's* pyrotechnic *operator's* permit, obtained from the *state* of Alaska, Department of Public Safety;
  - b. A copy of a *fireworks* display permit application submitted to, and a copy of a *fireworks* display permit obtained from, the *state* of Alaska, Department of Public Safety;
  - c. A site plan identifying the location of the proposed display, the location where *fireworks* will be used and stored, and surrounding *property*;
  - d. An inventory of the type and quantity of *fireworks*, and the expected length of the proposed display;
  - e. The name, address, and phone number of the individual, group, or organization operating the *fireworks* display;
  - f. The name, address, and phone number of the *fireworks* supplier; and
  - g. Evidence of the display sponsor's and *operator's* financial responsibility. This could take the form of an insurance certificate or other document attesting to coverage and responsibility.

2. The director of emergency operations or designee, in coordination with the *borough* risk manager, and the local fire department, if any, in the proposed display area, shall approve or deny the application after considering:

- a. The current fire danger;
- b. The danger of the proposed display to *persons* and *property*;
- c. The type and quantity of *fireworks*, and the length of the display;
- d. The *operator's* competency in handling *fireworks*; and
- e. The sponsor's and *operator's* evidence of financial responsibility.

B. No permit issued under this section is transferable.

C. Any *fireworks* that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of *fireworks* remaining. (Ord. 2017-24 § 5, 2017.)

### **21.16.050 Authorized sale and use.**

Nothing in this chapter shall be construed to prohibit any resident wholesaler, dealer or jobber to sell at wholesale such *fireworks* as are not herein prohibited; or the sale of any kind of *fireworks* provided the same are to be shipped directly out of the *borough*, in accordance with the Interstate Commerce Commission regulations covering the transportation of explosives and other dangerous articles by motor, rail, and water; or the use of *fireworks* by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. This chapter does not pertain to those explosives or devices used in construction, logging or mining and would not prohibit the use of these explosives or devices in such activities. (Ord. 72-27, 1972; Ord. 72-5, 1972; Ord. 69-1, 1969. 2004 Code § 8.08.050.)

### **21.16.060 Penalty for violations.**

Every *person*, firm, corporation, club, association or organization *violating* any of the provisions of this chapter is guilty of a *violation* punishable by a fine as set forth at Chapter [1.20](#) FNSBC. (Ord. 2019-16 § 37, 2019; Ord. 2013-65 § 17, 2013; Ord. 72-27, 1972; Ord. 72-5, 1972; Ord. 69-1, 1969. 2004 Code § 8.08.060.)

**1** For statutory provisions authorizing *municipalities* to regulate the offering for sale, exposure for sale, sale, use or explosion of *fireworks*, see AS [18.72](#) and [29.35](#).

**The Fairbanks North Star Borough Code is current through Ordinance 2021-14, passed March 25, 2021.**

Disclaimer: The Borough Clerk's Office has the official version of the Fairbanks North Star Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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