

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2021-17

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA CODE OF ORDINANCES § 13.24.090 REGULATING FIREWORKS

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF UNALASKA, as follows:

Section 1: Classification. This Ordinance is a Code Ordinance.

Section 2: Amendment of Section 13.24.090. Section 13.24.090 of the Unalaska Code of Ordinances is hereby amended to read as follows: [New language is underlined; and deleted language is ~~overstruck~~.]

§ 13.24.090 FIREWORKS.

No person, ~~firm, corporation~~ shall offer for sale, expose for sale, sell at retail, keep with intent to sell at retail or use or explode any fireworks except as herein provided:

- (A) A fireworks display carried out pursuant to a fireworks display permit issued by the Alaska State Fire Marshal's Office;
- (B) Wire sparklers and snakes;
- (C) Use of class 1.4G fireworks (Class C common fireworks) ~~fireworks~~ by a person who is ~~over the age of 18 years of age or older only~~, with the consent of the owner of the property upon which the fireworks are ~~is~~ being activated, shall be permitted on the following dates ~~after City Manager and DPS fire hazard review~~:
 - (1) December 31 between sunset and 0100 hours (1:00 a.m.) on January 1;
 - (2) January 1 between sunset and 2200 hours (10:00 p.m.);
 - (3) July 3 between 2330 hours (11:30 p.m.) and 0100 hours (1:00 a.m.) on July 4; and
 - (4) July 4 between 0800 hours (8:00 a.m.) and 0100 hours (1:00 a.m.) on July 5.
- (D) The City may grant a variance from the listed dates in Section (C) of this ordinance due to inclement weather or other circumstances which may impact the safety and advisability of activating fireworks. Such variance shall be reasonably noticed to the public, including posting on the City web site and notifying local news media.
- (E) A person may apply for permission from the City Manager or designee to activate class 1.4G fireworks (Class C Common fireworks) on dates and times not included in Section (C) of this ordinance, as follows:
 - (1) Application shall be submitted to the City Manager or designee on a form provided by the City no later than seven (7) calendar days prior to the event.

- (2) Applications must include the specific date and time the fireworks are to be activated; proof of consent of the property owner from which the fireworks will be activated; and identification and proof of age for the person activating the fireworks.
- (3) Applications will be reviewed by both the Fire Chief and Police Chief, who shall both indicate in writing whether approval is recommended. If approval is not recommended, they shall indicate in writing, including the reasons for recommended denial.
- (4) The City Manager or designee shall make the final decision whether to approve the application.
- (5) The original application will be filed as a permanent record maintained by Fire and Emergency Medical Services.
- (6) A digital (scanned) copy of the application indicating approval or denial will be emailed to the applicant no later than two (2) calendar days prior to the event.

Section 3: Effective Date. This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on _____, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: J.E. King, Director of Public Safety
Through: Erin Reinders, City Manager
Date: November 9, 2021
Re: Ordinance 2021-17: Amending Unalaska Code of Ordinances §13.24.090
Regulating Fireworks

SUMMARY: The current City of Unalaska Ordinance governing the sale, possession and use and/or detonation of fireworks does not have a provision which would allow the City or its citizens to utilize fireworks except on three identified dates in the form of exceptions or variances. This absence of an exception or variance rule places the City and its citizenry at a disadvantage in cases of weather, special events and/or special occasions which may occur on dates other than those identified. Ordinance 2021-17 has been developed in an effort to provide the City with the capability to include variances and approve special permitted occasions during which fireworks could be utilized on specified dates and times other than those currently afforded. Staff recommends approval.

PREVIOUS COUNCIL ACTION: City Council approved Ordinance 2016-16 on July 12, 2016, which amended section 13.24.090 of Code to allow for the use of fireworks on December 31, January 1 and July 4 under certain conditions. In addition, the ordinance allows for fireworks to be used when permitted by the Alaska State Fire Marshal's Office.

BACKGROUND: The City of Unalaska passed its existing ordinance to address the use of fireworks in an effort to provide for the safe deployment of fireworks by responsible person(s) for community safety. The City identified three specific dates on which members of the community could deploy common fireworks. These dates were identified as New Year's Eve, New Year's Day and the 4th of July.

There have been instances where weather has not allowed for fireworks to be deployed on these limited days. And, recently, City Council has supported ASFA in their efforts to put on a New Year's Eve fireworks show. Hopefully the weather works out for the planned day, but that is not guaranteed. Unalaska has a very diverse community along with the existence of a multi-cultural community. Typically, the presence of a multi-cultural community often poses unique challenges related to honoring cultural celebrations and festivities. The use of fireworks often play a part in various cultures' celebrations unique to the manner in which the culture celebrates a birth, celebration of life, marriage and etc. Many of these culturally unique celebrations do not fall on any of the current limited approved dates for the use of fireworks.

DISCUSSION: The ordinance have been developed with input from both the Fire and Police. The passage of the amendment to the current fireworks ordinance would grant the City a means to approve the use of fireworks after a review process. This continues the City's focus on providing for the safe deployment of fireworks by responsible person(s) for community safety, but accounts for weather and other celebrations.

A specific challenge in regards to the approved dates for the use of fireworks, is the lack of approved time period. This often results in the deployment of fireworks during hours normally reserved for sleeping by a large number of the members of the community. The amendment to the ordinance would also limit the deployment of fireworks to reasonable hours taking into consideration the time of year and level of expected sunlight for that period of year.

ALTERNATIVES: If Council finds it is not in the best interest of the community to approve this ordinance as written, Council has the following alternatives to consider:

1. The Council may disapprove the ordinance change.
2. The Council may amend the time period for the already approved dates, and/or
3. The Council may remove the variance or approval portion

FINANCIAL IMPLICATIONS: Salaries and/or supplies associated with the normal day to day operations of the departments that would play a role in the acceptance, review and approval or denial of a request.

LEGAL: The City Attorney reviewed the proposed changes and provided insight as to wording.

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance 2021-17.

PROPOSED MOTION: I move to schedule Ordinance 2021-17 for public hearing and second reading on December 14, 2021.

CITY MANAGER COMMENTS: I support staff's recommendation.