

Introduced by: Council Members Best and Chmielewski
 Date: November 10, 2009
 Public Hearing: November 24, 2009
 Action: Adopted
 Vote: Unanimous

| Yes: | No: |
|-------------|-----|
| Chmielewski | |
| Erbey | |
| Vanover | |
| Brown | |
| Best | |
| Hanson | |
| Combs | |

CITY OF PALMER, ALASKA

ORDINANCE NO. 09-025

AN ORDINANCE OF THE PALMER CITY COUNCIL ENACTING PALMER MUNICIPAL CODE 8.42, FIREWORKS, AMENDING SECTION 9.36.010 PERSONAL CONDUCT IN PUBLIC, SECTION 12.24.025, GENERAL RULES, SECTION 12.24.030 USE PERMITS, AS RELATED TO USE THE USE OF FIREWORKS WITHIN THE CITY OF PALMER

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Chapter 8.42 is enacted to read as follows:

**CHAPTER 8.42
 FIREWORKS**

8.42.010 Definitions.

In this chapter, the definition of fireworks includes any:

- A. Combustible or explosive composition or any substance producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
- B. Blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used;
- C. Roman candles, daygo bombs, or any other fireworks of like construction which contain any explosives or flammable compound, or any tablets or other device containing any tablets or other device containing any explosive substance;
- D. The term fireworks shall not include auto flares, paper caps not containing in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission regulations for packing and shipping, as provided therein, and toy pistols, toy canes, toy guns, or other devices for use of such caps, the same any use of which shall be permitted at all times.

2544

8.42.020 Sales prohibited.

It is unlawful for any person to sell, display, or offer to sell fireworks within the city.

8.42.030 Use prohibited.

Except as provided in this chapter, it is unlawful to discharge fireworks within the city.

8.42.040 Authorized use December 31 – January 1.

- A. The discharge of Class C common fireworks defined as saleable under AS 18.72.100, lawfully purchased outside the jurisdiction of the city, shall be allowed annually without a permit on private property with the permission of the property owner and under the direct supervision of a person 21 years or older, during the seven hour period beginning at 6 p.m. Alaska Standard Time on December 31 and ending at 1 a.m. Alaska Standard Time on January 1, except in these restricted areas:
1. Within two hundred and fifty (250) feet of any health care facility or assisted living facility, library, school, or place of worship;
 2. Within five hundred (500) feet of any automotive service station or other premises where flammable liquids or gases are stored;
 3. Within or from any structure or vehicle;
 4. On or within fifty (50) feet of waterways within the city limits.
- B. Permission to discharge fireworks in this section shall not apply during any period when the State of Alaska Division of Forestry or the City of Palmer has issued a ban on open burning.

8.42.050 Permit required for authorized public displays.

- A. Public displays are permissible when conducted by a state licensed pyrotechnic operator.
- B. Fireworks may be used on public property by municipalities, fair associations, amusement parks, and other organizations or groups of individuals if a permit is obtained from the City Manager or designee.
- C. Permits are designated for a specific location and are not transferrable.

8.42.060 Permissible uses.

Nothing in this chapter shall be construed to prohibit:

- A. The use of fireworks by railroads or other transportation agencies for signal purposes or illumination;
- B. The sale or use of blank cartridges for a show or theater;
- C. The use of fireworks for signal or ceremonial purposes in athletic events or parades in accordance with the permit issued in PMC 8.42.050;
- D. Use by military organizations.

Section 4. Palmer Municipal Code Section 9.36.010 is hereby amended as follows (new language is underlined and deleted language is stricken):

9.36.010 Personal conduct in public.

Ne ~~A~~ person shall ~~not~~, and it shall be unlawful for any person to:

- A. Engage in any illegal occupation or business;
- B. Engage in any window peeping as defined by Alaska statute;
- C. Beg in any street, alley or public place;
- D. Jostle or roughly crowd people unnecessarily in any street, alley or public place;
- E. ~~Utter any obscenity in a public place;~~
- F. E. Accost a person or endeavor to entice a person ~~him~~ into an automobile;

2546

- G. F. Attend or frequent any place in which an illegal business is ~~permitted or~~ conducted;
- H. ~~Sell, use or explode any fireworks, explosive or stench bomb to which fuses are attached or which are ignitable by means of a match, except a state-licensed pyrotechnic operator may put on a public display after receiving the approval of the fire chief, police chief and city manager;~~
- I. G. Spit upon or otherwise mar or litter any public hallways, stairways, sidewalks, steps or any other public building or place of worship;
- J. ~~Engage for hire in the practice or occupation of fortunetelling, mind reading, character reading or phrenology;~~
- K. H. Drive a vehicle ~~not his own~~ without the owner's consent, without intending to steal the same;
- L. I. Climb on, open the doors, windows or other apertures of a vehicle ~~not his own~~ without the owner's consent;
- M. J. Live ~~ing~~ or reside ~~ing~~ in a vehicle other than a vehicle parked in an area designated for such uses by the city council.

Section 5. Palmer Municipal Code section 12.24.025 is hereby amended as follows (new language is underlined and deleted language is stricken):

12.24.025 General rules.

~~A.~~ The following general rules govern the public use of parks:

1. A. A person may not cut, pick or damage trees, flowers or other vegetation in a park.
2. B. A person may not camp in a park except in an area and at a time designated in a permit issued by the manager or the manager's designee.
3. C. A person may not light, build, use or maintain an open fire or portable camp stove in a park except in a receptacle or area designated for that use. A person may not leave an open fire or operating portable camp stove unattended. A person may not use a flammable liquid other than charcoal lighting fluid to start or accelerate a fire.
4. D. A person may not sell or consume any alcoholic beverage in a park, playground or recreational facility except the clubroom of the Palmer golf course.
5. E. A person may not possess a firearm in a park except:
 - a. 1. A peace officer acting within the scope and authority of the officer's employment;
 - b. 2. A person carrying a concealed handgun in accordance with AS 18.65.700 through 18.65.790, and carrying a valid permit under such statutes; or
 - c. A person participating in a public demonstration under a permit issued for that purpose by the manager or the manager's designee.
6. F. A person shall not shoot a bow and arrow in a park except in an area designated for archery activities by the manager or the manager's designee.
7. G. A person may not discharge fireworks in a park except in accordance with a permit issued under PMC 8.42.050 ~~12.24.030~~.
8. H. A person may not operate, or stop, stand or park, a motorized vehicle in a park except:
 - a. 1. In an area designed for the use, and in a manner permitted by the designation;
 - b. 2. As permitted under a use permit issued under PMC 12.24.030; or
 - c. 3. Construction, enforcement, maintenance or emergency vehicles operated by the state, the Matanuska-Susitna Borough, the city or their respective contractors.

2548

9. I. Where the operation of motor vehicles is permitted in a park, motor vehicles shall be operated in accordance with posted speed limits, in a prudent and safe manner, and at a speed not exceeding 10 miles per hour in parking areas.
10. J. A person may not bring an animal into a park except:
- a. 1. An animal that is in an area that has been posted for use by domesticated animals;
 - b. 2. A service animal, guide dog, or signal dog individually trained to provide assistance to an individual with a disability; or
 - c. 3. An animal that is under the direct control of a peace officer or emergency responder performing official duties, and trained to assist in performing those duties.
11. K. A person having control or supervision of an animal that excretes feces in a park shall immediately collect and properly dispose of the feces.
12. L. A person may not deposit litter or waste, or water, sewage or effluent from sinks, portable toilets or other plumbing fixtures, directly upon the surface of land or water in a park.


Section 6. Palmer Municipal Code section 12.24.030 is hereby amended as follows (new language is underlined and deleted language is stricken):

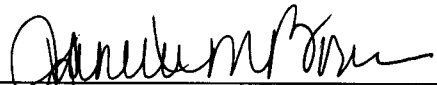
12.24.030 Use permits.

- A. Park use permits for vendors, use of motor vehicles, ~~fireworks~~, animals and camping will be issued by the manager or designee and will address such issues as litter, sanitary facilities, damage, crowd control, traffic control, noise, hours of use, insurance and public notice. Permit fees will be established by council and revised from time to time.
- B. User permits for baseball, softball and soccer fields will be issued by the department of community services to the various organizations using the fields, and will address the user's responsibilities, including insurance, trash removal and sanitary facilities.
- C. All organizations or individuals purchasing ice time from the Palmer ice arena are required to have a use agreement issued by the department of community services.

Section 7. Effective Date. Ordinance No. 09-025 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this twenty-fourth day of November, 2009.


John D. Combs, Mayor


Janette M. Bower, CMC, City Clerk

