1 **CITY OF HOMER** 2 HOMER, ALASKA 3 City Manager/ 4 Fire Chief 5 ORDINANCE 17-16(A) 6 7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, 8 AMENDING HOMER CITY CODE 5.24.020 TO IDENTIFY LIGHTED 9 FREE-FLOATING LUMINARIES AS FIREWORKS AND PROHIBIT THE 10 SALE AND USE OF THESE LUMINARIES WITHIN THE CORPORATE 11 CITY LIMITS OF HOMER. 12 13 WHEREAS, The use of lighted free-floating luminaries ("Floating Luminaries") involves an open flame device for purposes of creating lift, and Floating Luminaries are generally 14 15 constructed of combustible materials; and 16 17 WHEREAS, Floating Luminaries are uncontrolled once released and may reach an altitude of several thousand feet, potentially interfering with aircraft, or posing a distraction to 18 19 pilots; and 20 WHEREAS, Floating Luminaries descend randomly and, as a result, may come into 21 contact with other combustible materials, causing fire or creating a public nuisance. 22 23 24 NOW THEREFORE, The City of Homer Ordains: 25 26 Section 1. Section 5.24.020 is amended to read as follows: 27 28 5.24.020 Fireworks defined. 29 In this chapter, "fireworks" includes any combustible or explosive composition or any 30 substance or combination of substances or article prepared for the purpose of 31 producing a visible or an audible effect by combustion, explosion, deflagration or 32 detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy 33 guns in which explosives are used, balloons which require explosive propellant, 34 firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, or other fireworks 35 36

substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require explosive propellant, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, or other fireworks of like construction, which contain any explosives or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps, manufactured and shipped in accordance with the United States Interstate Commerce Commission regulations regarding such caps, are used, the sale and use of which shall be permitted at all times. For the purposes of this chapter, "fireworks" includes lighted free-floating luminaries that use heat from combustion for

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lift, otherwise known as sky lanterns, Chinese lanterns, paper lanterns and celebration lanterns, excluding piloted balloons. The discharge of firearms as permitted by City ordinance shall not be a violation of this chapter. Section 2. This ordinance shall take effect upon its adoption by the Homer City Council. Section 3. This ordinance is of a permanent and general character and shall be included in the City Code. ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 10th day of April, 2017. CITY OF HOMER BRYAN/ZAK, MAYOR ATTEST: JØ JOHNSON, MMC, CITY CLERK YES: 5 NO: ABSTAIN: ABSENT: / First Reading: 3/38/17Public Hearing: 4/10/17 Second Reading: 4/10/17 Effective Date: 4/11/17 

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86	May & Koester	
87	Mary K. Koester, City Manager	Holly C. Wells, City Attorney
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