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## **TOWN OF SHAPLEIGH, MAINE**

### **CONSUMER FIREWORKS ORDINANCE**

#### **Article 1: PURPOSE**

The purpose of this ordinance is to limit the use of consumer fireworks within the Town of Shapleigh to ensure the safety of residents and property owners of the Town of Shapleigh and of the general public.

#### **Article 2: TITLE AND AUTHORITY**

This ordinance shall be known as the "Town of Shapleigh Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provision of in Article VIII-A of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A.

#### **Article 3: DEFINITIONS**

Consumer Fireworks has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a third party testing laboratory as conforming with United Consumer Product Safety Commission, in accordance with 15 United States Code, Chapter 47.

#### **Article 4: RESTRICTION ON USE OF CONSUMER FIREWORKS**

No person shall use, possess with the intent to use, display, fire or cause to be exploded consumer fireworks within the Town of Shapleigh except in compliance with all Federal, State, and local laws, ordinances, rules and regulations. The use of Consumer Fireworks requires a permit from the Town of Shapleigh Fire and Rescue. An application for a permit shall be submitted between 9:00 a.m. and 4:00 p.m. 48 hours prior to the proposed day of discharge of the Consumer Fireworks. The permit will be issued, if approved, by 4pm on the day of discharge. This permit application at a minimum shall include the name and address of the applicant, date of application, date of discharge or use of the Consumer Fireworks, written permission of the landowner if the location is not on land owned by the applicant, a plan showing discharge, and signature of the applicant.

The use of Consumer Fireworks in the Town of Shapleigh is further restricted as follows:

##### **A. GENERAL RESTRICTIONS**

- i. The Town assumes no liability for injuries that result from the use of Consumer Fireworks from damage done by the use of Consumer Fireworks.
- ii. A person shall use Consumer Fireworks only on that person's property or the property of a person who has consented by written permission to the use of Consumer Fireworks on that property. The use of Consumer Fireworks on public or town owned property is prohibited unless it is a town sanctioned event and the fire department is on site.

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- iii. A person shall not use Consumer Fireworks if the forest fire danger is Class "4" or greater (moderate to extreme), as determined by the Department of Conservation, Maine Forest Service **or** at the discretion of the Fire Warden.
- iv. A person shall not use Consumer Fireworks where noise from the fireworks would disturb livestock within one (1) mile of a property where livestock is present without the consent of that property's owner. As used in this paragraph, "livestock" has the same meaning as in 7 M.R.S. § 81(8).
- v. Livestock owners with concerns of fireworks discharge, shall contact the Town Administrator to put their property in a database of livestock owners, no later than May 1st of each year.
- vi. Consumer fireworks shall not be used within 100 feet of any combustible structure or within 50 feet of overhead power lines.
- vii. It shall be unlawful for any person using Consumer Fireworks to be under the influence of alcohol or otherwise be impaired while using Consumer Fireworks.
- viii. Means to extinguish any spot fires resulting from the use of Consumer Fireworks must be available, including, but not limited to, fire extinguishers, hand tools, and charged hoses. Access to 9-1-1 must also be available during the use of Consumer Fireworks.
- ix. The permit holder shall be responsible for cleaning up the debris caused by the use of consumer fireworks within 24 hours of discharge.

#### **B. HOURS OF USE**

Consumer Fireworks may be used between the hours of 12:00 p.m. and 10:00 p.m., except that on July 4<sup>th</sup>, December 31<sup>st</sup>, and the weekends immediately before and after those days consumer fireworks may be used between the hours of 12:00pm and 12:00am.

### **Article 5: VIOLATION AND ENFORCEMENT**

- A. The penalty for use violation. Any person who violates the provisions of Section 4 shall commit a civil violation punishable by a penalty of not less than two hundred dollars (\$500) to not more than two thousand five hundred dollars (\$2,500.00) plus attorney fees and costs. Each day such violation occurs or continues to occur shall constitute a separate violation.
- B. Enforcement. This ordinance shall be enforced by the York County Sheriff's Department, the Town of Shapleigh Contract Deputy, the Maine State Police or any law enforcement agency with which the Town of Shapleigh has a mutual aid agreement.
- C. Injunctive relief. In addition to any other remedies available at law or in equity, the Town of

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Shapleigh, acting through its Select Board, may apply to any court of competent jurisdiction to enjoin any planned, anticipated, or threatened violation of this ordinance.

- D. Seizure and disposal. The Town or any law enforcement officer may seize Consumer Fireworks that the Town or law enforcement has probable cause to believe are used in violation of this ordinance, subject to the limitations set forth in 8 M.R.S. § 223-A(9).

#### **Article 6: EXCEPTIONS**

This ordinance does not apply to a person issued a fireworks display permit from the Maine Commissioner of Public Safety or his or her designee under the provisions of 8 M.R.S. §§ 221-237. A fireworks display shall comply with all Federal, State and local laws, ordinances, and regulations.

#### **Article 7: SEVERABILITY**

In the event that any section, subsection, or portion of this ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or portion of this ordinance.

#### **Article 8: EFFECTIVE DATE**

This ordinance shall take effect and be in force immediately upon adoption by the Town of Shapleigh.

The Town Clerk is ordered to provide to the Office of the State Fire Marshal a copy of this ordinance within sixty (60) days of adoption.



Kayla C. Moulton, Town Clerk

True Attested Copy

Adopted March 8, 2024 at the Annual Town Meeting





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