

Town of Bar Harbor, ME
Friday, September 19, 2014

Chapter 87. FIREWORKS, CONSUMER

[HISTORY: Adopted by the Town Council of the Town of Bar Harbor 1-3-2012 by Ord. No. 2012-01. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. **85**.

Noise — See Ch. **139**.

§ 87-1. Purpose.

This chapter governs and prohibits the sale and use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Bar Harbor and of the general public.

§ 87-2. Title and authority.

This chapter shall be known as the “Town of Bar Harbor Consumer Fireworks Ordinance” and is adopted pursuant to the enabling provisions of the Maine Constitution; Title 30-A M.R.S.A. § 3001; Title 8 M.R.S.A. § 223-A; and Town Charter § C-10A(9).

§ 87-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CONSUMER FIREWORKS

- A. The term “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 States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.
- B. The term “consumer fireworks” does not include the following products:
 - (1) Missile-type rockets, as defined by the State Fire Marshal by rule;
 - (2) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
 - (3) Sky rockets and bottle rockets. For purposes of this subsection, “sky rockets and

bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability, that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

§ 87-4. Sale of consumer fireworks prohibited.

No person or group of persons shall sell, possess with the intent to sell or offer for sale consumer fireworks within the Town of Bar Harbor.

§ 87-5. Use of consumer fireworks prohibited.

No person or group of persons shall use, possess with intent to use, display, fire or cause to be exploded consumer fireworks within the Town of Bar Harbor.

§ 87-6. Violations and penalties; enforcement.

- A. Penalty for violation: Any person who violates the provisions of this chapter shall commit a civil violation punishable by a penalty of not less than \$100 and not more than \$500 plus attorney’s fees and costs to be recovered on complaint to the use of the Town of Bar Harbor. Each day such violation occurs or continues shall constitute a separate violation.
- B. Penalty for willful violation: Any person who violates the provisions of this chapter after having been informed by any officer or employee or agent of the Town of Bar Harbor that a planned or anticipated detonation or discharge or sale of consumer fireworks would violate this chapter shall be fined \$10,000 plus attorney’s fees and costs.
- C. Enforcement: This chapter shall be enforced by the Town of Bar Harbor Police Department.
- D. Injunction: In addition to any other remedies available at law or equity, the Town of Bar Harbor, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this chapter.
- E. Seizure and disposal of consumer fireworks: The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this chapter and shall forfeit seized consumer fireworks to the state for disposal.

§ 87-7. Exceptions.

This chapter does not apply to a person issued a fireworks display permit by the Town of Bar Harbor and/or the State of Maine pursuant to 8 M.R.S.A. § 227-A to 237.

§ 87-8. Severability.

In the event that any section, subsection or portion of this chapter 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 chapter.

§ 87-9. Effective date.

This chapter takes effect on January 1, 2012.