

FIREWORKS ORDINANCE

DAMARISCOTTA, MAINE

JUNE 13, 2012

A. TITLE

This Ordinance shall be known and may be cited as the "Fireworks Ordinance" of the Town of Damariscotta, Maine. This Ordinance is pursuant to Maine Statute, Section 1. 8MRSAS221-A to §237. **An Act To Legalize the Sale, Possession and Use of Fireworks.**

B. PURPOSE

The purpose of this Ordinance is to further the maintenance of safe and healthful conditions, the general welfare and to prevent injury from the careless use of consumer fireworks.

C. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any other way impair the necessity of compliance with any other rule, regulation, bylaw or provision of the Federal, State or local government. But where this Ordinance imposes a greater restriction upon the use of materials, land, buildings, or structures than other Damariscotta ordinances, this Ordinance shall control.

D. VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

E. CHANGES AND AMENDMENTS

All changes and amendments to this Ordinance must be made at a regular or special Town Meeting of Damariscotta, by a majority of the governing body.

F. EFFECTIVE DATE

The effective date of this Ordinance is June 13, 2012.

G. REGULATION OF SALE OR USE OF CONSUMER FIREWORKS

No person shall use, sell, possess with the intent to sell or offer for sale consumer fireworks within the Town of Damariscotta or from any watercraft within the waters of the Town of Damariscotta except as hereinafter provided.

1. DEFINITION

For the purposes of the Ordinance, "consumer fireworks" shall have the same meaning as provided in Title 8 MRSA Section 221-A. The term consumer fireworks

does not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol, paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates signal, antique or replica cannons if no projectile is fired.

2. EXCEPTION

This Ordinance shall not apply to a person issued a fireworks display permit issued by the State of Maine pursuant to Title 8 MRSA Section 227-A.

3. AREA PROHIBITED FROM USING CONSUMER FIREWORKS

The use of consumer fireworks is prohibited in the area between School Street (west side of road) and the Damariscotta River from Castner Brook to Chase Point Road (north side of road).

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This certifies to the Municipal Clerk of Damariscotta that the within ordinance is a true copy of an ordinance entitled "Fireworks Ordinance" to be acted upon by the voters at the Annual Town Meeting to be held of June 13, 2012.

Dated: June 13, 2012

Municipal Officers of Damariscotta

David L. Atwater
David Atwater, Chairman

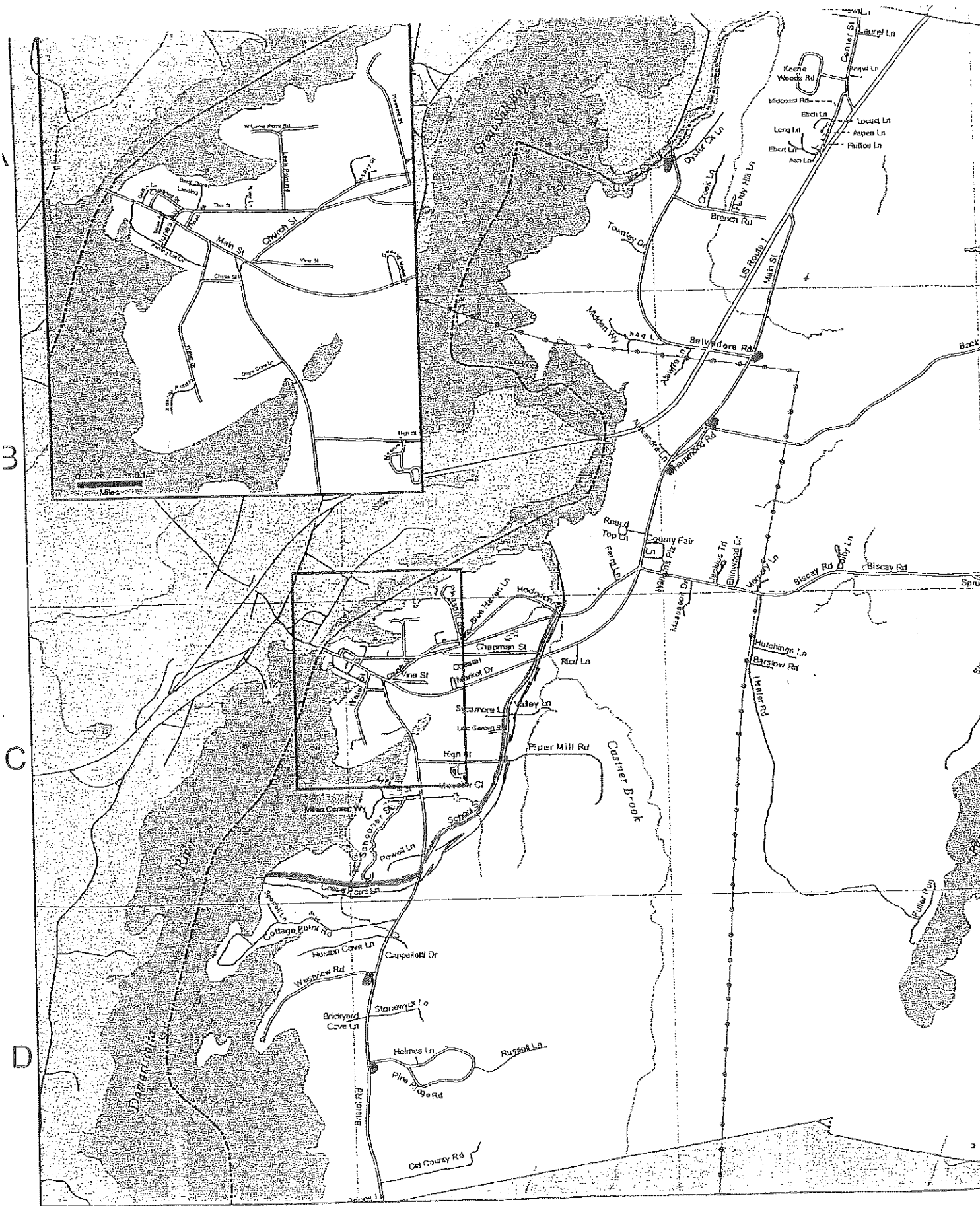
Joshua Pinkham
Joshua Pinkham, Vice Chair

David Wilbur
David Wilbur, 2nd Vice Chair

Vicki Pinkham
Vicki Pinkham

Ronn Orenstein
Ronn Orenstein

Attest:
Christi Pinkham
Christi M. Pinkham
Town Clerk



MAP FIREWORKS ORDINANCE ADOPTED 06-13-2012