

Town of Dedham
Consumer Fireworks Use Ordinance
Adopted at the Dedham Town Meeting on Saturday, June 13, 2015

The Town of Dedham hereby ordains that the following Ordinance be enacted.

Section 1. Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution, Title 8, Section 223-A and Title 30-A, Section 3001, of the Maine Revised Statutes (M.R.S.).

Section 2: Purpose

The purpose of this Ordinance is to regulate the use of consumer fireworks within specified times in order to allow quiet time during the week without having to totally restrict the use of fireworks within the Town of Dedham. It also sets criteria for use of consumer fireworks based on Fire Danger levels.

Section 3: Applicability

This Ordinance shall apply to any person involved in the use of consumer fireworks within the Town of Dedham. For the purposes of this Ordinance, the term "person" shall mean any individual, or combination of individuals engaged in the use of consumer fireworks and the term "consumer fireworks" shall be defined in Title 8 M.R.S. Section 221-A, as may be amended from time to time.

Section 4: Conflict with Other Rules, Regulations or Laws

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted Federal, State, or local ordinance the requirements of the most restrictive or higher standard shall govern, unless the provisions of the local ordinance are preempted by Federal or State law or regulations.

Section 5: Severability

In the event that any section, subsection, or any provision 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, sub-section, or other portion of this Ordinance. To that end, the provisions of this Ordinance are hereby declared to be severable.

Section 6: Legal Times to Discharge Consumer Fireworks

Pursuant to Title 8 M.R.S. Section 223-A(2), the Town of Dedham hereby restricts the use of consumer fireworks and has established the following hours for use:

- Fridays and Saturdays from 6.00pm until 10.00pm, and
- New Year's Eve, July 3 and 4, and Christmas Eve from 6.00pm until 12.00am.

Section 7: Fire Danger Periods

There are times when weather conditions that greatly increase the potential for consumer fireworks to start a fire. In an effort to decrease the danger to our community, the use of consumer fireworks is prohibited during the periods that the fire danger is a Class 4 or Class 5.

Each person wishing to use consumer fireworks shall be responsible for verifying the fire danger level with the Dedham-Lucerne Fire Department, Town Office, or searching for Wildfire Danger Report on maine.gov.

Section 8: Fireworks Debris

LD 459, An Act to Protect the Environment from Fireworks Debris, adds debris from the discharge of consumer fireworks to the definition of "litter" under the Maine Litter Control Act. The chemicals in fireworks are harmful to the environment, especially when used near water.

Each person wishing to use consumer fireworks shall be responsible for picking up and properly disposing of the debris left over from the discharge of consumer fireworks. Failure to clean up and dispose of fireworks debris is a civil violation under Maine's Litter Control Act and a fine of not less than \$100 and not more than \$500 may be adjudged.

Section 9: Penalties and Enforcement

Enforcement and penalties pursuant to M.R.S. Title 8 Section 9-A.

Section 10: Effective Date

This Ordinance shall become effective on the date of adoption by the voters of the Town of Dedham.