

TOWN OF EDGECOMB FIREWORKS ORDINANCE

1. Title and Authority

This ordinance shall be known as the "Town of Edgecomb Fireworks Ordinance." It is adopted pursuant to the enabling provisions 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.

2. Definitions in accordance with 8 M.R.S.A. §221-A. Subsection 1-A

Consumer Fireworks: "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. "Consumer Fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this paragraph "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.

Fireworks: "Fireworks" means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;
- C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bomb, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- D. Fireworks containing any explosive or flammable compound; or
- E. Tablets or other device containing any explosive substance or flammable compounds.

The term "Fireworks" does not include Consumer Fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

3. Sales

- A. The sale of Fireworks is prohibited.
- B. The sale of Consumer Fireworks shall be permitted only upon or from lots having frontage along U.S. Route 1.
 - 1). The sale of Consumer Fireworks shall occur only on a lot that is conforming as to lot size and on which retail sales are allowed under the Edgecomb Land Use Ordinance.
 - 2). The sale of Consumer Fireworks shall comply with all federal, state and local laws, ordinances, rules and regulations.

4. Use Prohibited

A. No person or group of persons shall use, display, fire or cause to be exploded Fireworks, except in a fully permitted fireworks display.

5. Fireworks Display

A Fireworks display requires a permit from the Maine Commissioner of Public Safety or his or her designee under the provisions of 8 M.R.S.A §§ 221-237, and particularly § 227-A. The Fire Chief, or his or her designee, shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A § 227-A(2). A Fireworks display shall comply with all federal state and local laws, ordinances, rules and regulations.

6. Conditions to use or display Consumer Fireworks

A. The Town assumes no liability for injuries that result from the use or display of Fireworks or Consumer Fireworks regardless of the status of a permit.

B. Consumer Fireworks shall not be used or displayed within 150 feet of any combustible structure or within 50 feet of overhead power lines or within 100 feet of an abutter's property without that abutter's written permission.

C. Spectators shall not be closer than 100 feet from the discharge point of Consumer Fireworks.

D. Consumer Fireworks may be used only on the user's property or on another's property with written permission.

E. Use of Consumer Fireworks shall be limited to the hours between 5 p.m. and 10 p.m. except on July 4 and December 31 when use of Consumer Fireworks shall be limited to the hours between 10 a.m. and 12:30 a.m.

F. It shall be unlawful for any person or firm to use or display Consumer Fireworks without providing for the cleanup and removal of all debris. Debris must not leave the property where fireworks are used.

G. Any person using or displaying Fireworks or Consumer Fireworks shall not consume alcohol, be under the influence of alcohol or be otherwise impaired while discharging the fireworks.

H. Means to extinguish any spot fires resulting from the use or display of Fireworks or Consumer Fireworks shall be available. This includes fire extinguishers and garden hoses. Access to 9-1-1 shall also be available during the use or display of Fireworks or Consumer Fireworks should an emergency arise.

I. Consumer Fireworks shall not be used if the forest fire danger is Class 3 or greater.

7. Civil Penalties

Whoever violates any of the provisions of the foregoing Sections shall be subject to a civil penalty of not less than five hundred dollars (\$500) per occurrence and not more than twenty-five hundred dollars (\$2,500) per occurrence, plus attorney's fees and costs. Violators will also be responsible for the cost of fire suppression incurred by the town as a result of their acts.