


Wendy J. Rawski, Town Clerk

Amendment to Chapter 12 of the Municipal Code of Ordinances of the Town of Eliot, Maine to prohibit the sale of consumer fireworks in the Town of Eliot dated Dec. 8, 2011

TOWN OF ELIOT FIREWORKS SALE ORDINANCE

12. FIREWORKS ORDINANCE

12.1 TITLE AND AUTHORITY

This ordinance shall be known as the "Town of Eliot Fireworks Sale 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

12.2 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, bombs, 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 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 or signal, antique or replica cannons if no projectile is fired.

12.3 SALES

12.3.1 The sale of Consumer Fireworks is prohibited.

12.4 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 section 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.

12.5 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.

We, the undersigned, being the Municipal Officers of the Town of Eliot, Maine, hereby certify the foregoing Ordinance entitled "Amendment to Chapter 12 of the Municipal Code of Ordinances of the Town of Eliot, Maine to prohibit the sale of consumer fireworks in the Town of Eliot dated Dec. 8, 2011" as being the Ordinance to be voted on at the December 16, 2011 Town Meeting.



Roland R. Fernald, Chairman



Michael Moynahan



Roberta Place



John J. Murphy



LeRoy Dunkelberger

Eliot Board of Selectmen

DATED: December 8, 2011