

**Town of Harpswell**  
**Ordinance to Prohibit the Sale and Restrict the Use of Consumer Fireworks**

**Section 1. Purpose**

This ordinance governs the sale and use of consumer fireworks within the limits of Harpswell to ensure the safety of residents, taxpayers and visitors of the Town of Harpswell.

**Section 2. Title and Authority**

This ordinance shall be known as the "Town of Harpswell Ordinance to Prohibit the Sale and Restrict the Use of Consumer Fireworks." It is adopted pursuant to 30-A M.R.S.A. § 3001 and 8 M.R.S.A. § 223-A(2), both as may be amended from time to time.

**Section 3. Definitions**

As used in this ordinance, the following terms shall have the following meanings respectively ascribed to them:

*Consumer Fireworks* shall have the same meaning as the term set forth in 27 Code of Federal Regulations, Section 555.11, as may be amended from time to time, 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 including 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 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.

*Display* shall have the same meaning as that term is defined under State law, 8 M.R.S.A. § 221-A(3), as may be amended from time to time.

*Fireworks* shall have the same meaning as that term is defined under State law, 8 M.R.S.A. § 221-A(4), as may be amended from time to time.

*Person* shall mean any individual, partnership, limited liability company, corporation, governmental entity, association, or public or private organization of any character.

*Town* shall mean the Town of Harpswell.

**Section 4. Prohibitions**

No person shall sell, possess with the intent to sell or offer for sale consumer fireworks in the Town. No person shall use consumer fireworks in the Town except in accordance with Section 5 below.

### **Section 5. Limitation on the Use of Consumer Fireworks.**

- (a) Consumer fireworks may be used on the following dates and during the following times:
  - (1) July 3, beginning at 9:00 a.m. and ending at 10:00 p.m.;
  - (2) July 4, beginning at 9:00 a.m. and ending at 12:30 a.m. on July 5;
  - (3) July 5, beginning at 9:00 a.m. and ending at 10:00 p.m.;
  - (4) December 31, beginning at 9:00 a.m. and ending at 12:30 a.m. on January 1;
  - (5) January 1, beginning at 9:00 a.m. and ending at 10:00 p.m.; and
  - (6) The weekends immediately before and after July 4 and December 31, beginning at 9:00 a.m. and ending at 10:00 p.m.
- (b) A person may use consumer fireworks only on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property.
- (c) Nothing in this Ordinance shall be construed to apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time.
- (d) Nothing in this Ordinance shall be construed to allow the use of any fireworks or consumer fireworks that are prohibited by State law.

### **Section 6. Penalties**

Any person who sells consumer fireworks, possesses consumer fireworks with the intent to sell, or offers consumer fireworks for sale shall be punished by a fine of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1,000.00) per violation plus costs shall be imposed. Any person who uses consumer fireworks in violation of Section 5 above in the Town shall be punished by a fine of not less than one hundred dollars (\$100.00) plus costs. For second and subsequent offenses, a fine of not less than two hundred and fifty dollars (\$250) per violation plus costs shall be imposed.

### **Section 7. Seizure and Disposal**

The Town may seize consumer fireworks that the Town has probable cause to believe are sold or used in violation of this Ordinance or in violation of State law and shall forfeit the seized consumer fireworks to the State of Maine for disposal.

### **Section 8. Enforcement**

This Ordinance shall be enforced by the Town's duly authorized law enforcement provider or any other duly authorized agent of the Town approved by the Selectmen to enforce this Ordinance.

### **Section 9. 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.

### **Section 10. Effective Date**

Adopted March 10, 2012.