

**ORDINANCE # 2-2015**

**PROVIDING FOR:** The establishment of Chapter 72 of the Code of the Town of Millinocket Entitled "**CONSUMER FIREWORKS PROHIBITION ORDINANCE**"

**BE IT ORDAINED** by the Town Council of Millinocket in Town Council assembled that the Millinocket Code, Chapter 72, be created as attached.

**IT IS FURTHER ORDERED** that this ordinance take effect 30 days after enactment.

1<sup>st</sup> Reading 11-9-2015

2<sup>nd</sup> Reading 11-23-2015

Council Approved 11-23-2015

Effective Date 12-23-2015

ATTEST: 

## CONSUMER FIREWORKS PROHIBITION Ordinance

**Section 1. Purpose.** The purpose of this ordinance is to prohibit the use and sale of consumer fireworks and all other fireworks prohibited by State Law, in order to ensure the safety of residents, Property owners and the general public in the town of Millinocket.

**Section 2. Authority.** This ordinance shall be known as the Consumer Fireworks Prohibition Ordinance. It is adopted pursuant to enabling provisions of the Maine Constitution, the provisions of 30-A, MRS subsection 3001, the provisions of P.L. 2011 Ch. 419 subsection 5 ( effective November 30, 2015) codified at 8 MRS subsection 223-A.

**Section 3. Definitions.** The following shall apply in this section:

- (1) **Consumer Fireworks** shall have 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 3<sup>rd</sup> party testing laboratory as conforming with United States Consumer Products Safety Standards, in accordance with 15 United States Code 47. **CONSUMER FIREWORKS** does not include the following products:

Missile-type Rockets as defined by the State Fire Marshal by rule; and  
Helicopter and Aerial Spinners as defined by the State Fire Marshall by rule; and  
Sky rockets and Bottle rockets. For the purpose of this paragraph, Sky rockets and Bottle Rockets means a cylindrical tube 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** means an entertainment feature where the public or private group is admitted or permitted to view the display or discharge of fireworks for special effects.

**Fireworks** means any combustible or explosive composition or substance; any combination of such compositions or substances; or any other article which 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 which requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents, or other fireworks of like construction; any fireworks containing any explosive substance or flammable compound; or any other device containing any explosive substance or flammable compound. 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 can not 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.

**Section 4. Prohibition.** No person shall use, sell, or offer for sale consumer fireworks, and all other fireworks prohibited by State Law, in the town of Millinocket.

This section does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 MRS subsection 227 and the Fire chief of the town of Millinocket.

**Section 5: Penalties.**

- (1) Any person who uses consumer fireworks in the town of Millinocket shall be punished by a fine of not less than Five hundred dollars (500.00) and plus the costs of the town for prosecuting violations shall be imposed.**
- (2) Any person who offers for sale consumer fireworks in the town of Millinocket shall be punished by a fine of not less than Five Hundred dollars (500.00) plus the costs of the town for prosecuting violations.**
- (3) Seizure and disposal of fireworks; The town of Millinocket Police Department may seize consumer fireworks that the Police has probable cause to believe are to be used, sold, or offered for sale in violation of this section and shall forfeit such consumer fireworks to the State for disposal.**