

## CHAPTER 21-E Consumer Fireworks Prohibition

ADOPTED JUNE 9, 2015

**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 Rumford.

**Section 2. Authority.** This ordinance shall be known as the Consumer Fireworks Prohibition Ordinance. It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A, MRS § 3001, the provisions of P.L. 2011, Ch. 419. § 5 (effective January 1, 2012) codified at 8 MRS § 223-A.

**Section 3. Definitions.** The following definitions 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 Commission standards, in accordance with 15 United States Code, Chapter 47. "**CONSUMER FIREWORKS**" does not include 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 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.
- (2) **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.

**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 Rumford.

- a. This section does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S. § 227.

### **Section 5: Penalties.**

- (1) Any person who uses consumer fireworks in the Town of Rumford shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred (\$400.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation, 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 Rumford shall be punished by a fine of not less than five hundred dollars (\$500.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less

than one thousand dollars (\$1000.00) per violation, plus the costs of the Town for prosecuting violations, shall be imposed.

- (3) Seizure and disposal of fireworks: The Town may seize consumer fireworks that the Town has probable cause to believe are being used, sold or offered for sale in violation of this section and shall forfeit such seized consumer fireworks to the State for disposal.