

**CITY OF SACO
CHAPTER 82 CONSUMER FIREWORKS**

The City Council finds that a public emergency exists because of the recent increase in the use of fireworks in the City of Saco, which resulted in part from the state's recent legislation allowing fireworks sales in Maine. City Councilors take cognizance of complaints from citizens expressed at a July 2 City Council meeting and in numerous phone calls, personal visits and conversations. This public emergency is directly related to the health and safety of residents because of the inherent danger of fireworks, particularly when discharged in proximity to residential neighborhoods.

82.1 Purpose.

The purpose of this Chapter is to assure the comfort, convenience, safety, health and welfare of the inhabitants of the City of Saco, to protect and conserve its environment and resources by regulating the use and sale of consumer fireworks.

82.2 Definitions.

As used in this Chapter, the following term shall have the meaning ascribed to it in this section:

Consumer Fireworks has 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 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.

82.3 Prohibition.

No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the City of Saco; provided, however, that this Chapter does not apply to a person issued a fireworks display permit by the City and/or State of Maine

pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time.

82.4 Penalties.

(a) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use them in the City shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) per violation plus attorney fees and costs. 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 attorney's fees and costs shall be imposed.

(b) Any person who sells consumer fireworks or possesses consumer fireworks with the intent to sell them in the City shall be punished by a fine of not less than five hundred dollars (\$500.00) plus attorney's fees and costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1,000.00) per violation plus attorney's fees and costs shall be imposed.

82.5 Seizure and Disposal.

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

eH. : 7/17/12