TOWN OF WINSLOW, MAINE

TOWN COUNCIL

AN ORDINANCE

Providing for: An Amendment to Chapter 5 (Businesses) of the Winslow Ordinances, by adding Article 7: Permit Required for Sale of Consumer Fireworks.

BE IT ORDAINED by the Town Council of the Town of Winslow as follows:

WHEREAS, the 125th Maine State Legislature has enacted Public Law 2011, Chapter 416, LD 83, "An Act to Legalize the Sale, Possession and Use of Fireworks; and

WHEREAS, that Act authorizes a municipality to adopt an ordinance to restrict the sale of consumer fireworks within the municipality; and

WHEREAS, the Town Council wishes to impose some additional restrictions beyond the Act; now, therefore

BE IT ORDAINED by the Town Council of the Town of Winslow, Maine, that Chapter 5 (Businesses) of the Winslow Ordinances be amended to include the attached Article 7: Permit Required for Sale of Consumer Fireworks.

SPONSORED BY: Catherine M. Nadeau

IN THE TOWN COUNCIL

February 13, 2012 First Reading, 6-1 accepted
March 12, 2012 Second Reading, 5-1 adopted

Pamela Smiley
Town Clerk

APPROVED: March 12, 2012

CHAIRMAN: [Signature]

Attest. A true copy of original. Pamela Smiley 4-23-12
Article 7

Permit Required for Sale of Consumer Fireworks.

Sec. 5-34. Permit Required.
A Municipal Permit is required for the sale of Consumer Fireworks. The Code Enforcement Officer is authorized to issue a permit if the following conditions are met:
1. The applicant is 21 years or older and applies on a state approved form.
2. The applicant possesses the necessary State and Federal Permits.
3. Storage and Sale
   a. Consumer Fireworks may be stored and sold only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of Consumer Fireworks.
   b. The building may not be less than 60' from another permanent building and may not be less than 300' from a structure in which gasoline, propane or other flammable material is sold or dispensed.
   c. Cigarettes, tobacco products or lighters or other flame producing devices may not be permitted in the building.
   d. A person under 21 years of age may not be admitted into the building unless accompanied by a parent or guardian.
   e. Notwithstanding subsection d above, a person of at least 18 years of age may handle and sell Consumer Fireworks if the person is under the direct supervision of a person 21 years of age or older.
   f. The building shall be equipped throughout with an automatic fire suppression system in accordance with NFPA 13-D.
   g. The building must comply with the IBC Building Codes as amended.
   h. No outside storage will be allowed
4. The location is permitted under the Winslow Zoning Ordinance.

Sec. 5-35. Permit Fees; Inspections.
1. There will be a fee of $250.00 dollars for the initial one year permit and $200.00 dollars for annual renewal permits.
2. The Fire Department and Code Enforcement Officer will perform annual inspections to ensure compliance.

Sec. 5-36. Violations.
In addition to the enforcement provisions of 8 M.R.S.A. Section 223-A(9), a fine of $500.00 for an initial violation, and $1,000.00 for subsequent violations of this Ordinance will be imposed, none of which may be suspended. The town will also be awarded its reasonable attorney fees for prosecution of any violation.