

TOWN OF FORT FAIRFIELD
ORDINANCE – CONSUMER FIREWORKS

I. DEFINITIONS

As used in this section, the following terms shall have the meanings:

- A. Consumer fireworks shall be defined under Maine State law, 8 MRSA §221-A as may be amended from time to time.
- B. Fireworks shall be defined under Maine State law, 8 MRSA §221-A as may be amended from time to time.
- C. Display shall be defined under Maine State law, 8 MRSA §221-A as may be amended from time to time.

II. Permit Required

- A. No person shall use, display, discharge, fire, or cause to be exploded, consumer fireworks within the Town of Fort Fairfield without a permit, except that this ordinance shall not apply to a person issued a fireworks display permit by the Town and/or State of Maine pursuant to 8 M.R.S.A. 227-A, as may be amended from time to time. The Town of Fort Fairfield shall be exempt from the provisions of this ordinance.
- B. Permits shall be issued by the Town of Fort Fairfield – Town Office in the same manner as burning permits. A fee for the permit may be set by the Town Council.
- C. No permit shall be issued on any day with a Fire Danger Class of 3, 4, or 5 as set by the Maine Forest Service.
- D. A person may use consumer fireworks only on that person's property or on the property of a person who has consented, in writing, to the use of consumer fireworks on that property.

III. Use Restricted

- A. No person shall use, display, discharge, fire, or cause to be exploded, consumer fireworks within the Town of Fort Fairfield, or in or from any watercraft within the waters of the Town except on the following days and during the following times when a permit has been issued:
 - 1. July 3, from 12:00 p.m. (noon) to 10:00 p.m.;
 - 2. July 4, from 12:00 p.m. (noon) to 10:00 p.m.;
 - 3. December 31, from 12:00 p.m. (noon) to 12:30 a.m. the following day;
 - 4. January 1, from 12:00 p.m. (noon) to 10:00 p.m.; and
- B. No person shall use, display, discharge, fire, or cause to be exploded, consumer fireworks within one hundred fifty (150) feet of any building or structure.
- C. The Town may issue a permit, after having been reviewed by Public Safety, for the use of fireworks on a Friday or Saturday, from the hours of 5:00 PM to 10:00 PM, for a special occasion. The permit will be for a one day use only.

IV. Enforcement and Penalties

A. Any person who uses consumer fireworks in the Town of Fort Fairfield may be punished by a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) plus any associated legal costs. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00) per violation plus associated legal costs may be imposed. Each incident shall constitute a separate violation.

B. This ordinance shall be enforced by the Fort Fairfield Police Department.

C. In addition to any other remedies available by law or equity, the Town of Fort Fairfield, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated, or threatened violation of this ordinance.

V. Seizure and Disposal

The Town of Fort Fairfield may seize fireworks and consumer fireworks that the Town has probable cause to believe are 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.

INTRODUCED: March 21, 2018

INTRODUCED BY: Mitchell J. Butler

PUBLISHED: March 28, 2018

PUBLIC HEARING: April 11, 2018

ADOPTED: April 18, 2018 at a Regular/Special Town Council Meeting

FORT FAIRFIELD TOWN COUNCILORS

Scott T. Smith
Scott T. Smith, Chairman

Jason F. Barnes
Jason F. Barnes

Mitchell J. Butler
Mitchell J. Butler

Melissa S. Libby
Melissa S. Libby

Robert E. Kilcollins
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ATTEST: Billie Jo Sharpe
Billie Jo Sharpe, Council Secretary

DATE: 4/18/18

FILED: Billie Jo Sharpe
Billie Jo Sharpe, Town Clerk

DATE: 4/18/18