

Sec. 12-64

FIREWORKS ORDINANCE

§12-65 PURPOSE

The purpose of this Ordinance is to protect the health, safety and welfare of the residents of the City of Old Town by reducing the number of nuisance fireworks activities in Old Town found to disturb the peace and tranquility of their neighborhoods.

§12-66 AUTHORITY

This Ordinance is enacted as a municipal police power ordinance pursuant to the statutory home rule provisions of 30-A M.R.S. section 3001 and 8 M.R.S. section 223-A (2).

§ 12-67 SCOPE

This Ordinance shall apply to the use of Consumer Fireworks, as defined below, within the limits of Old Town, Maine

§ 12-68 DEFINITIONS

Consumer Fireworks has 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 3rd-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 which are illegal to sell, use or possess in Maine:**

- 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.

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 cannot 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.

Public Land means land owned or leased by the City of Old Town, State of Maine, University of Maine or another governmental or quasi-governmental agency or entity. "Public Land" expressly includes, without limitation, all City and State streets, roads, highways and parks.

§ 12-69 DISCHARGING OF FIREWORKS

Section 12-69.1 Restricted Firearms Zone. The use, discharge, or ignition of Consumer Fireworks within the City of Old Town's restricted fire arms zone is prohibited with the following exceptions:

The use, discharge, or ignition of Consumer Fireworks within the City of Old Town's restricted fire arms zone is permitted on the following Holiday dates and times:

December 31st: No fireworks permitted before 10:00 am.

January 1st: No fireworks between the hours of 1:00 am and 10:00 am or after 10:00 pm on January 1st.

July 4th: No fireworks permitted before 10:00 am and after 11:59 pm

Section 12-69.2. Other Locations. In addition to Maine Consumer Fireworks laws, 8 M.R.S., Chapter 9-A the following criteria must be met in all areas of Old Town with regards to the use of Consumer Fireworks:

- a. No Consumer Fireworks may be used, discharged or ignited on public land.
- b. No Consumer Fireworks may be used, discharged or ignited within fifty feet (50') of any structure.
- c. No Consumer Fireworks may be used, discharged or ignited on any high fire danger as noted by Maine Forest Service.
- d. Allowed hours for use, discharge or ignition of Consumer Fireworks are as follows:
 - i. Summer hours: begins with first full day of Eastern Daylight Time (EDT). Fireworks in Old Town, outside the restricted fire arms zone, shall be allowed only between the hours of 12:00 pm and 9:00 pm. (See July 4th holiday times for exception)
 - ii. Winter hours: begins with first full day after Eastern Daylight Time (EDT) ends and time reverts back to Eastern Standard Time (EST). Fireworks in Old Town, outside of the

restricted fire arms zone, shall be allowed only between the hours of 12:00 pm and 8:00 pm. (See December 31st and January 1st holiday times for exception)

Section 12-69.3 Fireworks Displays. No person may mount or present a display of Fireworks as the term "Display" is defined in 8 M.R.S.A. section 221-A. without first obtaining the permit required by 8 M.R.S. section 227-A. and in accordance with such permit. No person other than a Fireworks Technician, as defined in 8 M.R.S.A. Section 221-A. or a person under direct control and supervision of a Fireworks Technician, may mount, discharge or ignite the Fireworks at such a display.

§ 12-70 PENALTIES AND ENFORCEMENT

Penalties shall be applied as found in Chapter 1.General provisions, Section 1-8, of the Revised Code of Ordinances.