

ORDINANCE

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 10. PUBLIC SAFETY

Add a new Article as follows:

Article 7. Fireworks

Section 10-701. Sale and Use of Consumer Fireworks.

- (a) *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 provisions, 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 State 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.
- (2) *Person* shall mean any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other organization.
- (3) *Display* means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.
- (b) *Prohibition.* The use, discharge, ignition, sale, or offer for sale, of consumer fireworks in the City of Bath is prohibited.*

(c) *Exception.* This section does not apply to a person issued a fireworks display permit by the City of Bath and/or the State of Maine pursuant to 8 M.R.S.A. § 227-A.

(d) *Penalties.*

- (1) Any person who uses, discharges or ignites consumer fireworks in the City of Bath shall be punished by a penalty of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus costs. For second and subsequent offenses, a penalty of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation plus costs shall be imposed.
- (2) Any person who sells or offers for sale consumer fireworks in the City of Bath shall be punished by a penalty of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a penalty of not less than one thousand dollars (\$1,000.00) per violation plus costs shall be imposed.
- (3) Any penalty assessed under this Ordinance shall inure to the benefit of the City of Bath. In addition to any penalty, the City shall also recover any costs of prosecution of a violation of this Ordinance, including its reasonable attorney's fees.

(e) *Seizure and disposal of fireworks.* The City may seize consumer fireworks that the City has probable cause to believe are used, offered for sale or sold in violation of this section. Upon conviction of the person from whom the fireworks were seized of violating this section with respect to those fireworks, the fireworks shall be forfeited to the City. Upon forfeiture, seized fireworks shall be forwarded to the State for disposal.

* Editor's note: State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, see 8 M.R.S.A. § 223. By prohibiting the sale and use of consumer fireworks, the City is effectively prohibiting the use of all fireworks in the City of Bath.

First Passage
CITY OF BATH MAINE
IN CITY COUNCIL
December 7, 2011
RECEIVED READ AND ACCEPT
 TABLED PASSED DELETED REPEALED
REFERRED TO: Mary White
ATTEST: _____

Second Passage
CITY OF BATH MAINE
IN CITY COUNCIL
January 4, 2012
RECEIVED READ AND ACCEPT
 TABLED PASSED DELETED REPEALED
REFERRED TO: Mary White
ATTEST: _____

Effective 1/25/12