

Caribou

ARTICLE VI FIREWORKS

5-601 Storage and Sales of Consumer Fireworks:

All new commercial Consumer Fireworks storage and sales facilities must be approved by the Caribou Planning Board under Site Design Review.

No person may store or sell consumer fireworks for commercial purposes without first obtaining an annually issued municipal permit from the Caribou Fire Chief. All Commercial Consumer Fireworks Storage and sales Permits shall expire on April 1 of each year. The annual permit fee for a Commercial Consumer Fireworks Storage and sales permit shall be \$100.00. (one hundred dollars). All Fireworks storage and sales facilities shall be inspected for compliance annually by the Caribou Fire Chief or their designee and the code enforcement officer prior to issuance of the initial permit and annually prior to the renewal of a permit.

Storage: A person authorized to sell consumer fireworks may store the fireworks only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of consumer fireworks in accordance with this subsection.

- A. The building must be constructed, maintained and operated, and all consumer fireworks must be stored, in compliance with the requirements of National Fire Protection Association Standard 1124, as adopted by the Office of the State Fire Marshal, relevant building codes, zoning ordinances and other municipal ordinances. All consumer fireworks storage and sale facilities shall have approved Sprinkler Systems in compliance with NFPA-13.
- B. The building may not be less than 60 feet from any other permanent building and may not be less than 300 feet from a structure at which gasoline, propane or other flammable materials are stored, sold or dispensed.
- C. Insurance. A person authorized to sell consumer fireworks under subsection 1 shall at all times maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000 to cover the losses, damages or injuries that might ensue to persons or property as a result of the person storing or selling consumer fireworks. Proof of insurance is a prerequisite of obtaining a permit from the Fire Chief.
- D. Consumer Fireworks storage and sales shall be allowed in the Commercial 2, Residential-Commercial 2, Industrial 1, Industrial 2 and Residential 3 Zones. Consumer Fireworks storage shall not be allowed in the Commercial 1, Residential 1, Residential 2 or Hospital Zones.

5-602 Use of Consumer fireworks:

The use of consumer fireworks is governed by this subsection.

- A. Aerial Consumer Fireworks are not allowed within the Urban Compact Zone of The City of Caribou unless the property provides an ignition location of at least 100' distance to any property line. No Aerial Consumer fireworks shall be used within 100' of any building or structure.
- B. No Consumer Fireworks may be used without first obtaining a permit from the Caribou Fire Department. Aerial Consumer Fireworks may only be used on days indicated as Low or Moderate Fire Danger by the Caribou Fire Department.

- C. Consumer fireworks may only be used within the City of Caribou after first obtaining a permit from the Caribou Fire Department. The Caribou Fire Department shall provide notification of all Consumer Fireworks Use Permits issued to the Caribou Police Department at the time issued. The Caribou Fire Department may restrict the use of consumer fireworks throughout all of Caribou due to location and or fire hazards at the discretion of the Caribou Fire Chief or designee.
- D. Consumer fireworks may be used between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day: (1) July 4th & (2) December 31st; and (3) The weekends immediately before and after July 4th and December 31st.
- E. A person may use consumer fireworks only on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property. No person under the age of 21 shall possess or use consumer fireworks when not in the direct supervision of a parent or guardian. No person shall use Consumer Fireworks if they are intoxicated or have a blood alcohol level of .08 % or greater.

Penalty:

Any person found to be in violation of this ordinance may be charged and a civil action brought against them in District Court. The minimum fine for violation of this ordinance is \$100.00 (one hundred dollars) plus all court costs and legal fees. Any expenses incurred by the Caribou Fire & Ambulance Department or Caribou Police Department due to misuse or damage caused by Consumer Fireworks shall be assessed to the property owner and or responsible person.

5-603 Definitions:

Consumer Fireworks. "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:

- 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.
- 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.
- D. Fire Crackers
- E. M-80's
- F. Cherry Bombs

Fireworks. "Fireworks" means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;
- C. Other article that 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 that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- D. Fireworks containing any explosive or flammable compound; or
- E. Tablets or 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.

Historical Note: Article VI Fireworks revised & adopted by the City Council March 12, 2012.