

# **Town of Eustis**

## **Fireworks Ordinance**

### **Authority**

This ordinance is enacted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A

### **Purpose**

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Eustis and of the general public.

### **Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

### **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 3<sup>rd</sup>-party testing laboratory as conforming with the United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer fireworks” does not include any products which are illegal to sell, use or possess in the State of Maine (Missile-type rockets, helicopters, aerial spinners, sky rockets, bottle rockets, etc.)

### **Permitting**

No person shall use, display, fire or cause to be exploded consumer fireworks within the Town of Eustis without a permit. This section shall not apply to a person in possession of a fireworks display permit by the State of Maine pursuant to Title 8, MRSA Section 227-A. Permits shall be issued by the Town of Eustis Fire Chief or designee, in accordance with normal procedures as used for the issuance of a burn permit. No permit shall be issued on any day with a fire Danger of 3, 4, or 5.

### **Permissible Site**

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.

### **Restrictions**

No person shall use, display, fire or cause to be exploded consumer fireworks within 100 feet of any building or structure.

No person shall use, display, fire or cause to be exploded consumer fireworks within the Town of Eustis or from any water body within waters of the town except on the following days and during the following times:

- July 4<sup>th</sup>, beginning at noon and ending at 11 p.m.
- December 31<sup>st</sup>, beginning at noon and ending at 12:30 a.m. the following day.
- January 1<sup>st</sup>, beginning at noon and ending at 10 p.m.
- With valid permit for all other dates/times during a calendar year and ending at 10 p.m.

### **Violation and Enforcement**

#### **Penalty**

Any person who violates the provisions of this ordinance shall commit a civil violation punishable by a penalty of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) plus attorney fees and cost to be recovered by the Town of Eustis for its use. Each incident shall constitute a separate violation.

#### **Enforcement**

This Ordinance shall be enforced by the Town of Eustis Fire Chief and/or his designee.

#### **Injunction**

In addition to any other remedies available at law or equity, the Town of Eustis, acting through its Fire Chief, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

#### **Severability**

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

#### **Effective Date**

This Ordinance shall take effect immediately upon enactment by the municipal legislative body.