

ARTICLE 2 FIREWORKS

This Ordinance governs the discharge and possession of fireworks in the Town of Farmingdale, Maine. The sale of fireworks in the Town of Farmingdale shall be governed by current Maine law (Title 8 M.R.S.A. Section 223-A and as amended). Any property owner, seeking to discharge fireworks as defined and permitted under Title M.R.S.A. Section 223-A, within the Town of Farmingdale, shall follow the rules prescribed in this ordinance.

Sec. 5-201 Requirements

1. Fireworks shall not be ignited by any person under the age of 21.
2. Fireworks shall not be ignited within 50 feet of any structure, overhead utilities, or woodlands. This part of the ordinance does not apply if a State licensed commercial fireworks contractor is discharging commercial fireworks.
3. Fireworks shall not be ignited by any person under the influence of alcohol or drugs. Any fireworks user found to be impaired by the consumption of alcohol and/or use of drugs shall be in violation of this ordinance.
4. All fireworks users are required to have a means of fire extinguishment readily accessible including, but not limited to a garden hose or a fire extinguisher.
5. Fireworks shall only be discharged between the hours of 5:00 p.m. and 10:00 p.m., except on the following dates they may be used between the hours of 5:00 p.m. and 12:30 a.m. the following day:
 - A. July 4th
 - B. December 31st and;
 - C. The week-ends immediately before and after July 4th and December 31st.
6. The use of fireworks is only permissible on days when the fire danger day is Class 1 or Class 2. The use of fireworks is strictly prohibited on a Class 3, Class 4 or Class 5 fire danger day or at times when a red flag fire warning has been issued by the State of Maine Forest Service (MFS). The classification of the fire danger may be determined by contacting an officer of the Farmingdale Fire Department or online at: http://www.maine.gov/dacf/mfs/wildfire_danger_report/index.html

Sec. 5-202 Violations and Enforcement

1. Failure to comply with any provision of this ordinance shall result in:
 - A. First offense: written warning for a period of twenty-four hours.
 - B. Second offense: \$300.00 penalty and a prohibition on the fireworks user for a period of seven calendar days.
 - C. Third offense: \$600.00 penalty and a prohibition on the fireworks user for a period of three hundred sixty-five calendar days.
2. All penalties shall be paid to the Town of Farmingdale and deposited into the general fund account.
3. Any complaint received by the Town of Farmingdale regarding a Fireworks display shall be investigated by the Farmingdale Constable or other duly authorized law enforcement officers. If the fireworks use is found to be in violation of state law or local ordinance or deemed to be unsafe to the public by the enforcement authorities, the fireworks user shall cease and desist or be subject to the fines listed above.

Public Safety

4. Any three complaints on different days from neighbors will result in a total ban being placed on the firework user and the land owner and no fireworks shall be set off by the violator or on the land of the property owner.
5. All fireworks users shall be financially responsible for any and all expenses incurred by the Town of Farmingdale and all mutual aid response towns for costs associated with the mitigation of any fire or other emergency resulting from the misuse of Fireworks within the Town of Farmingdale.
6. Any duly authorized constable of the Town of Farmingdale shall have the authority to issue citations for violations of this ordinance.
7. Persons found in possession of or discharging Non-Permissible Fireworks shall be subject to the penalties outlined in Maine State Law. This section shall not apply to those individuals that hold valid Certificates of Competency issued by the State of Maine. Nothing in this ordinance shall preclude any law enforcement officer from enforcing any section of Maine Law.

Effective Date: December 10, 2011

Revised: June 28, 2014