

Consumer Fireworks Ordinance

Purpose:

The Hermon Town Council recognizes that while the State of Maine has legalized the use of consumer fireworks, they still present a danger of injury and fire. To enhance the public safety and welfare of its citizens and community the Council adopts this ordinance to prohibit use and sale of consumer fireworks in the Town of Hermon.

Definitions:

1. 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:
 - 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. Display. Display means an entertainment feature where the public or private group is admitted or permitted to view the display or discharge of the fireworks or special effects.

Prohibition:

No person shall use, possess with the intent to use in the Town of Hermon, sell, possess with the intent to sell in the Town of Hermon, or offer for sale consumer fireworks.

Exception:

This section does not apply to a person issued a fireworks display permit by the state of Maine pursuant to 8 M.R.S.A. 227-A.

Seizure and disposal of fireworks:

The Town may seize consumer fireworks that the Town has probable cause to believe are used, possessed or sold in violation of this section and shall forfeit seized consumer fireworks to the State for disposal.

Penalty:

Whoever violates any of the forgoing sections of this chapter shall be punished by a fine of not less than \$100.00 nor more than \$1000.00 for each offense. In the event legal action by the Town of Hermon is required to enforce this ordinance and the town is the prevailing party, it must be awarded reasonable attorney fees, expert witness fees and costs.

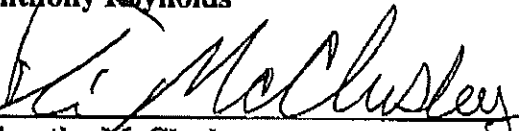
SIGNED this December 15th, 2011 by the Hermon Town Council:




Anthony Reynolds



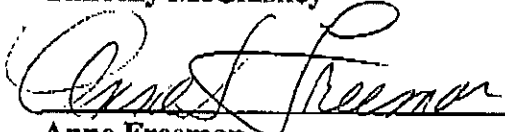
Sharon Nickerson



Timothy McCluskey



Donna Pulver



Anne Freeman



Douglas Sinclair, Sr.



William Scott