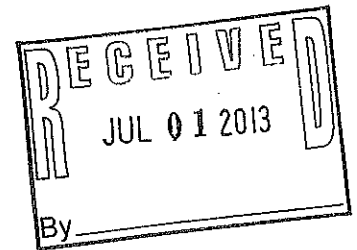


Town of Limestone, Maine Fireworks Ordinance



Section 1: Definitions

"Commercial fireworks" or "Display Fireworks" shall be defined as large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks". Display fireworks are classified as fireworks UN0333, UN0334 or UN0335 by the U.S. Department of Transportation at 49 CFR 172.101. This term also includes fused set pieces containing components, which together exceed 50 mg of salute powder.

"Consumer fireworks" shall have 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 the United States Consumer Product Safety Standards, in accordance with 15 USC, 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 subparagraph, '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 may produce a burst of color or sound at or near the height of flight.

"Display" shall mean an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks.

"Distribution" shall mean the processing and storage of fireworks.

"Fireworks" shall be defined as any combustible or explosive composition or substance; any combination of such compositions or substances; or any other article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges⁷ or toy cannons in which explosives are used, they type of balloon which requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents, or other fireworks of like construction; any fireworks containing any explosive substance or flammable compound; or any 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 can not 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.

"Fireworks Technician"- Shall have the same meaning as Title 8 MRSA Section 221-A as amended from time to time.

"Permit" means the nontransferable permission granted by the commissioner of public safety pursuant Title 8 MRSA Section 227-A to hold a display

"Person" shall mean any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"Public Way" shall mean a way, road, street or highway owned and maintained by the State, a county or a municipality, over which the general public has a right to pass.

Section 2: Use of Certain Fireworks Prohibited

With the exception of consumer fireworks as defined herein, the use of all consumer and commercial fireworks within the Town of Limestone shall be prohibited, except as provided for in Section 5 of this ordinance. The following products are prohibited from sale, use, or possession in the Town of Limestone except by Fireworks Technicians in connection with a Display:

1. **Missile Type Rockets.** A device similar to a skyrocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall not contain more than 20 grams of total chemical composition.
2. **Helicopters and Aerial Spinners.** A tube containing more than 20 grams of chemical composition, with a propeller blade attached. Upon ignition the rapidly spinning device rises into the air. A visible or audible effect may be produced at or near the height of flight.
3. **Sky Rockets and Bottle Rockets.** Cylindrical tube containing not more than 20 grams of chemical composition as prescribed under section 3.7 and Table 4.3-1 of the *American Pyrotechnics Association* Standard 87-1 with a wooden stick attached for guidance and stability. Rockets rise into the air upon ignition. A burst of color and/or sound may be produced at or near the height of flight.

Section 3: Retail Sale of Certain Consumer and/or Commercial Fireworks

1. Any fireworks business located in Limestone must adhere to State statutes.
2. A person may not sell consumer fireworks unless that person is 21 years of age or older.
3. A person may not sell consumer fireworks unless that person has a valid federal permit to sell fireworks under 18 United States Code, Section 843.
4. A person may not sell consumer fireworks unless that person has a valid State of Maine License to sell consumer fireworks.

Section 4: Possession of Consumer and/or Commercial Fireworks Permitted

1. The possession of consumer and/or commercial fireworks shall be permitted within the Town of Limestone by any person age 21 or older so long as such possession is in compliance with all applicable State and Federal laws.
2. No one shall be in possession of consumer and/or commercial fireworks while under the influence of drugs or alcohol.

Section 5: Fireworks Displays

1. Displays shall not be permitted prior to 10 a.m. or after 10 p.m., except for on July 4th and December 31st, when displays may occur until midnight, and on January 1st, when displays may occur until 1 a.m.
2. The display of commercial fireworks shall only be authorized within the Town of Limestone by a fireworks technician who has been duly issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. Section 227-A. Such displays shall not be permitted prior to 10 a.m. or after 10 p.m., except for on July 4th and December 31st, when displays may occur until midnight, and on January 1st, when displays may occur until 1 a.m.

Section 6: Public Way

1. No person shall use, display, throw, drop or cause to be discharged or exploded, any consumer or commercial fireworks at any time, within ten feet of a of a public way.

Section 7: Violations

1. Any person who uses consumer and/or commercial fireworks or possesses such fireworks with the intent to use in the Town of Limestone is in violation of this ordinance and shall receive a citation.

The following civil penalties shall be imposed for violations of this ordinance:

First Citation \$50.00

Second Citation \$100.00

Third Citation \$150.00

Fourth and Subsequent Citation(s) \$200.00

Section 8: Seizure and Disposal of Fireworks

1. The Town may seize consumer and commercial fireworks that the Town has probable cause to believe are used, possessed, or sold in violation of this ordinance. Upon conviction of the person from whom the fireworks were seized of violating any section of this Ordinance with respect to those fireworks, the fireworks shall be forfeited to the Town. Upon forfeiture, seized consumer and commercial fireworks shall be forwarded to the State of Maine Fire Marshal's Office for disposal.

**ADOPTED BY THE INHABITANTS OF THE TOWN OF LIMESTONE AT THE
ANNUAL TOWN MEETING HELD ON June 11, 2013**