ARTICLE II. - FIREWORKS

Sec. 24-31. - Sale and use of consumer fireworks.

The purpose of this ordinance is to clearly define the sale and use of fireworks within the Town of Lisbon.

(a) *Definitions.* The following definitions shall apply in this section:

(1) *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 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;

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 that may produce a burst of color or sound at or near the height and gives off light.

(2) *Display* means entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

(b) *Permit required.*

(1) No person shall use, display, fire, or cause to be exploded, consumer fireworks within the Town of Lisbon without a permit. Permits must be obtained from the office designated by the town manager on the day of use and shall not be issued in advance. 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.

(2) No permit shall be issued on any day with a fire danger class of 3, 4, or 5.

(3) A person may use consumer fireworks only on that persons property or on the property of a person who has consented, in writing, to the use of consumer fireworks on that property.

(4) The use, discharge, or ignition of fireworks shall not be permitted in close proximity to any building by maintaining a distance of no less than 100′ from said building.

(c) *Fireworks restricted use.* A person shall not use, display, fire, or cause to be exploded consumer fireworks within the Town of Lisbon except on the following days and during the following times:

(1) July 4th, beginning at 4 p.m. and ending at 10 p.m.

(2) Saturday of Moxie Weekend as set by council beginning at 4 p.m. and ending at 10 p.m.

(3) December 31st, beginning at 4 p.m. and ending at 12:30 a.m. the following day.

(d) *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.

(e) *Violations.*

(1) Any person who uses consumer fireworks or possess consumer fireworks with the intent to use in the Town of Lisbon in violation of this ordinance shall receive a citation.

(2) The following civil penalties shall be imposed for violations of this ordinance (plus legal fees and court costs for an offense for the following):

First Citation: $110

Second Citation: $215

Third Citation: $425

Fourth Citation and Subsequent Citations: $500

(f) Sale of fireworks in the Town of Lisbon shall be permitted providing all State of Maine statutes regarding such sale are satisfied and a valid permit to conduct sales is issued by the state fire marshal's office and the Town of Lisbon.

(g) *Seizure and disposal.* The town may seize consumer fireworks that the town has probable cause to believe are used, possessed, or sold in violation of this section. Seized consumer fireworks shall be forwarded to the state for disposal.

(C.M. of 10-16-2012, V. 2012-165; C.M. of 8-6-2013, V. 2013-119; C.M. of 10-16-2012, V. 2012-165; C.M. of 8-6-2013, V. 2013-119; C.M. of 8-18-2015, V. 2015-236; C.M. of 8-18-2015, V. 2015-237; C.M. of 9-15-2015, V. 2015-277)