

**TITLE II
HEALTH, SAFETY & WELFARE
FIREWORKS ORDINANCE**

Chapter 12 Fireworks Ordinance

1201 Title

This ordinance shall be known as the "Town of Ogunquit Fireworks Ordinance."

1201 Purpose

The purpose of this ordinance is to safeguard the health, safety and welfare of the Town of Ogunquit by prohibiting and restricting the sale or use of consumer fireworks within the municipality.

1203 Authority

It is adopted 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.

1204 Definition

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:

1204.1 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 third party testing laboratory as confirming 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.

1204.2 Fireworks: Shall include the following products:

- a. Combustible or explosive composition or substance;
- b. Combination of explosive compositions or substances;
- c. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- d. Fireworks containing any explosive or flammable compound; or
- e. Tablets or other device containing any explosive substance or flammable compounds.

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 25/1 00 grains or less of explosive compound are used if they are constructed so that the hand cannot 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 per chlorates or signal, antique or replica cannons if no projectile is fired.

1204.3 **Display:** Any entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

1205 **Prohibition**

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

1205.1 **Exception:** This section shall not apply to a person or group issued a fireworks display permit by the State of Maine pursuant to Title 8 M.R.S.A. §227-A.

1206 **Fireworks Display Permit**

A fireworks display requires a permit from the Maine Commissioner of Public Safety or his or her designee under the provisions of 8 M.R.S.A. §§ 221-237, and particularly Section 227-A. The Fire Chief, or his or her designee, shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A. § 227-A (2).

1207 **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.

1208 Civil Penalties

Whoever violates any of the provisions of the foregoing Sections shall be subject to a civil penalty of not less than one hundred dollars (\$100) per day and not more than Twenty-five hundred dollars (\$2,500) per day, plus attorney's fees and costs.

1209 Effective Date

This Ordinance shall become effective immediately upon affirmative vote of the registered voters of the Town of Ogunquit at the January 17, 2012 Special Town Meeting.